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# WOMEN AS ARCHITECTS OF PEACE: GENDER AND THE RESOLUTION OF ARMED CONFLICT

*Margaret E. McGuinness\**

## INTRODUCTION

Any attempts to redress the harms women experience as a result of armed conflict must include a role for women in peace processes. The many excellent contributions to this symposium help us understand the complex ways in which gender affects, and is affected by, armed conflict.<sup>1</sup> The end to a conflict may come too late to heal or adequately redress many gender-specific injuries: the psychological fall out and physical damage of sex-related war crimes, the permanent displacement of women and children from their homes, the destruction of families and livelihoods. Moreover, peace processes—the informal and formal mechanisms through which wars are brought to an end and transitions to a new post-war order are managed and regulated—may have longer term consequences for the welfare of women than the underlying armed conflicts. Precisely because war carries particularly devastating effects for women and girls, efforts to end war and prevent its recurrence must consider the role of women.

Historically, women were largely ignored by or shut out from the formal legal and political mechanisms of armed conflict resolution. As a result of the failure to include women, issues of particular concern to them were also ignored. Today, international law and international institutions are beginning to take gender into account in planning for

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1. See, e.g., Lori Nessel, *Rape and Recovery in Rawanda: The Viability of Local Justice Initiatives and the Availability of Surrogate State Protection for Women that Flee*, 15 MICH. ST. J. INT'L L. 101 (2007); see also Valorie Vojdik, *Sexual Abuse and Exploitation of Women and Girls by U.N. Peacekeeping Troops*, 15 MICH. ST. J. INT'L L. 157 (2007).

peace.<sup>2</sup> Developing in parallel with the international women's movement toward political and legal equality, international organizations are paying increased attention to women's participation in peace processes and to the role of women in constructing post-conflict institutions.

Despite the inability of peace agreements to undo the loss and suffering experienced by women in wars, peace processes are the primary means through which injuries can be redressed and often provide the starting point for accountability. Effective peace processes go even further: they help prevent future violence. Women's participation in and influence over the terms of peace is therefore both a precondition for addressing a range of post-conflict issues and to long-term prevention of armed conflict and of the harms that war inflicts disproportionately on women.

If many of the post-conflict issues that most affect women are to be addressed in any meaningful way, women must not be content to be sidelined into informal processes: they must literally have a seat at the peace table and a hand in the drafting, interpretation and application of the rule of law that is created during transitions from war to peace. Formal processes are important along two dimensions: Achieving justice for past harms, and establishing a sustainable peace that helps prevent the harms in the future.

An effective process begins with an understanding of the role of gender in the causes of the armed conflict and takes into account the ways in which the particular conflict affected women. An effective process must also understand and overcome gender assumptions underlying the design of post-conflict dispute resolution systems and work toward greater inclusion of women in formal and informal mechanisms. Finally, the terms of an effective peace agreement must include meaningful political participation for women, the construction of post-conflict rule of law that takes gender into account, legal accountability for crimes against women, reconciliation processes that provide a means for including women's experience in the histories of conflict, and a role for women in post-conflict community building.

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2. See discussion *infra* Part II.

## I. REJECTING GENDER NEUTRAL ASSUMPTIONS ABOUT WAR

Much of the early academic and policy work done in the area of mediating armed conflict ignored gender and started from the “false assumption that peace processes are gender neutral ...”<sup>3</sup> The past designs of dispute resolution processes have similarly proceeded—consciously or unconsciously—from a gender neutral assumption. The basis for the assumption of gender neutrality in the conflict process can be traced to broad assumptions about the causes of war that ignore gender. The failure to account for gender thus can lead to inaccurate conclusions about the causes of the underlying conflict and improper identification of proper parties to the conflict. The gender neutrality of traditional peace processes is also informed by general assumptions that dispute resolution systems are gender neutral in their function and effects—including in mechanisms and arrangements that address non-violent and more mundane conflicts in the domestic sphere.

These assumptions of gender neutrality need to be understood and, where appropriate, reassessed for the purposes of reforming current international dispute resolution institutions. The papers presented at this symposium illustrate the many particular devastating effects of war on women and girls. Armed conflict is not a gender neutral event. The dispute resolutions designed to resolve armed conflict should therefore not be neutral toward gender.

### A. Gender and the Causes of War

The study of war and peace within political science and international law has contributed to perpetuating the false assumption of gender neutrality in war. First, although the effect of war on gender within society has been broadly explored, the role of gender has been an infrequently examined factor in the causes of war. Second, because most of the wars of the past few decades have been internal conflicts,<sup>4</sup>

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3. U.N. Secretary-General, *Women, Peace and Security: Study Submitted by the Secretary-General Pursuant to Security Council Resolution 1325* (2000), IV-¶ 212, Sales No.E.03.IV.1 [hereinafter *Women, Peace and Security*].

4. See Nils Petter Gleditsch, Peter Wallensteen, Mikael Eriksson, Margareta Sollenberg & Havard Strand, *Armed Conflict 1946-2001: A New Dataset*, 39 JOUR. PEACE RES. 615 (2002) (examining armed conflicts from 1946-2001 that yielded twenty-five or more battle deaths annually); see also Meredith Reid Sarkees, Frank Whelon Wayman & J. David Singer,

examinations of the roots of those conflicts have led to systematic exploration of religious, political and ethnic factors,<sup>5</sup> without inquiries behind the apparently gender-neutral lines along which these political, religious and ethnic factions might align. Third, because men, with notable exceptions, generally carry out the military dimension of war, as political and military leaders and as warriors, they are largely viewed as the natural representatives of the parties of interest to a conflict.<sup>6</sup>

These assumptions are beginning to be challenged and tested. Ethnicity, religion and ideology are important factors to understanding both causation of war and lasting solutions to underlying conflicts. However, political scientists now recognize that limiting research along these dimensions may mask profound gender issues. At the same time, it is being recognized that feminist theories, which for more than 100 years have posited the perpetuation of patriarchy as the root cause of war, may have brushed over important interactions between gender, ethnicity, religion and ideology that contribute to armed conflict.<sup>7</sup> These helpful critiques within the international relations and feminist

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*Inter-state, Intra-State, and Extra-State Wars: A Comprehensive Look at Their Distribution Over Time, 1816-1997*, 47 INT'L STUD. Q. 49 (2003) (a study of sustained conflicts resulting in at least 1,000 battle deaths found the onset of civil wars more frequent than the onset of international wars in every decade since 1940).

5. For studies concluding that most intrastate wars are ethnic-based, see Ted Robert Gurr, *Peoples Against States: Ethnopolitical Conflict and the Changing World System, 1994 Presidential Address*, 38 INT'L STUD. Q. 347 (1994); see also R. VAYRYNEN, *TOWARDS A THEORY OF ETHNIC CONFLICTS AND THEIR RESOLUTION* (1994) (can be found at Joan B. Kroc Institute for International Peace Studies, Notre Dame University).

6. Bosnia is a good example here. Women were specifically targeted victims in Serbian war crimes carried out against Bosnian Muslims. But women were also among the perpetrators. Biljana Plavsic, the former Republika Srpska president was later convicted of war crimes. See *Prosecutor v. Plavsic*, Case No. IT-00-40-I, Indictment (Apr. 3, 2000).

7. In the 19th century, Elizabeth Cady Stanton blamed the patriarchy for the Civil War and emphasized the importance of the woman's role in "recogniz[ing] the bond of humanity between all... peoples..." HARRIET HYMAN ALONSO, *PEACE AS A WOMEN'S ISSUE: A HISTORY OF THE U.S. MOVEMENT FOR WORLD PEACE AND WOMEN'S RIGHTS* 44 (1993). And more recently Souad Dajani suggested that while Palestinian women have challenged gender issues in their fight for political freedom, they should also consider the role of religion and class. Souad Dajani, *Between National and Social Liberation: The Palestinian Women's Movement in the Israeli Occupied West Bank and Gaza Strip*, in *WOMEN AND THE ISRAELI OCCUPATION: THE POLITICS OF CHANGE* 33, 48-51 (Tamar Mayer ed., 1994). See also BETTY A. REARDON, *WOMEN AND PEACE: FEMINIST VISIONS OF GLOBAL SECURITY* 2 (1993) (summarizing the agenda for the United Nations Women's Decade 1975-1985 which was designed by women and espoused the relationship between peace and social justice).

literatures are forging the way for more sophisticated understandings of the role of gender in armed conflict.

Consider feminist theories about the outbreak of war. As Jack Levy noted in 1998, feminist theories propose that states, cultures and international organizations among states and cultures are patriarchal, and thus their very structure is a contributing factor to the frequent occurrence of war. However, Levy observed that because peace is more common than war, a theory of patriarchy is unhelpful for understanding why wars occur. Rather than treating patriarchy as a constant, feminist theories might be more helpful if they looked at patterns of war and peace that took into account how culture and gender relations in various political systems interacted in historical situations to provoke or prevent the outbreak of war.<sup>8</sup>

An examination of this interaction between political systems, gender equality and armed conflict in a recent study by Mary Caprioli confirms a “gender corollary” to the democratic peace theory. The democratic peace theory, generally accepted by international relations scholars, posits that states at a higher level of democratic development tend not to go to war with one another.<sup>9</sup> The civil war corollary of the democratic peace posits that democracies are also less likely to experience civil war.<sup>10</sup> The gender corollary to the democratic peace argues that, since the level of women’s legal, social and political equality is often dependent on a higher level of democracy, societies with higher levels of women’s equality are less likely to go to war with one another or experience civil war. Caprioli demonstrated that states with higher

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8. Jack S. Levy, *The Causes of War and the Conditions of Peace*, 1 ANN. REV. POL. SCI. 139, 143 (1998). *But see* Mary Caprioli, *Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict*, 49 INT’L STUD. Q. 161 (2005) (demonstrating through empirical testing of conflicts between 1960 and 2001 a positive correlation between gender inequality within a state and the likelihood that the state will experience intrastate warfare); *see also* Mary Caprioli, *Gender Equality and Civil Wars* (Conflict Prevention and Reconstruction Unit, Working Paper, No. 8, 2003) (linking gender inequality with intrastate conflict).

9. *See* BRUCE RUSSETT, WILLIAM ANTHOLIS, CAROL R. EMBER, MELVIN EMBER, & ZEEV MAOZ, GRASPING THE DEMOCRATIC PEACE: PRINCIPLES FOR A POST-COLD WAR WORLD 3 (1993) (stating that scholars commonly accept that democracies rarely fight each other).

10. *See* CHARLES LIPSON, RELIABLE PARTNERS: HOW DEMOCRACIES HAVE MADE A SEPARATE PEACE 1-15 (2003) (explaining why democracies do not fight wars against each other). “[U]nder certain conditions, democracy can be a useful tool to reduce the prevalence of civil war.” Ibrahim Elbadawi & Nicholas Sambanis, *How Much War Will We See?: Explaining the Prevalence of Civil War*, 46 J. CONFLICT RESOL. 307, 332 (2002) (studying 161 countries’ civil wars from 1960-1999).

levels of gender equality resort less frequently to the use of military action to settle international disputes.<sup>11</sup> Caprioli's empirical examination of internal conflicts between 1960 and 2001 similarly showed a positive correlation between gender inequality within a state and the likelihood that the state will experience intrastate warfare.<sup>12</sup> Together, these studies demonstrate that societies with higher levels of women's equality are less likely to experience either interstate or civil war.

The gender corollary to the democratic peace has other implications when read together with domestic studies about women's political participation. Domestic studies demonstrate that, with legal and political equality, comes increased participation in domestic political processes. The presence of larger numbers of women in political decision-making affects the content of political outcomes.<sup>13</sup> A study of women elected to public office in the United States, for example, showed that women are more likely than their male counterparts to address issues such as domestic violence, sexual harassment, women's rights, and access to day care.<sup>14</sup> In addition, the study revealed that

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11. See Mary Caprioli, *Gendered Conflict*, 37 J. PEACE RES. 53, 65 (2000) (finding states with "higher levels of gender equality correlate with lower levels of military action to settle international disputes").

12. See Mary Caprioli, *Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict*, 49 INT'L STUD. Q. 161, 172 (2005) (finding that states with higher levels of gender inequality experience more intrastate conflict).

13. See Sue Thomas, *The Impact of Women on State Legislative Policies*, 53 J. POLITICS 958, 974 (1991). This study examined the relationship between the percentage of women in state legislatures and the policy priorities of those legislatures. In states where women were of higher percentages in the legislature, the women introduced and passed more legislation that dealt with women's issues than women in legislatures that had lower percentages of women. *See id.* at 973. A study of the Arizona legislature that showed that as the percentage of women in the legislature increased, the number, subject matter and rate of enactment of bills that dealt with women's issues tended to increase. *See id.* at 961. In legislatures with a high percentage of women, women gave priority to bills dealing with women's issues more than men did, while in legislature with lower percentages of women, women gave lower priority than men, or equal priority to bills dealing with women's issues. *See id.* at 967. The study also found that at least 10% of the legislature has to be made up of women for women's interests to even make an appearance in the legislation. *See id.* at 970-71. See generally DOROTHY SUE COBBLE, *THE OTHER WOMEN'S MOVEMENT: WORKPLACE JUSTICE AND SOCIAL RIGHTS IN MODERN AMERICA* 19 (2004). Women's membership in unions rose in the 1940s because of WWII. *See id.* The rise in membership led to actions by the unions to look out for the interests of women, including the United Automobile Workers adding the Women's Bureau as a permanent division in 1946. *See id.*

14. Susan J. Carroll, *The Politics of Difference: Women Public Officials as Agents of Change*, 5 STAN. L. & POL'Y REV. 11, 13 (1994).

women office-holders are more likely than men to appoint women to top positions and to also seek input in political decision-making from women in the public.<sup>15</sup> This suggests that raising the number of women in the political offices that serve key decision making roles in peace and security will change outcomes.

More studies that address the connection between women's equality in post-conflict studies and the recurrence of war would be helpful to enriching our understanding of the importance of women's legal and political participation to the long-term peace. Given that the majority of wars that have taken place since the end of the Cold War are internal conflicts, the "gender corollary" of democratic peace theory suggests that international legal and political efforts toward achieving women's equality are not only important to improving the lives of women, but that they are central to the project of international peace and security.

### B. Gender in the Design of Dispute Resolution Processes

For many years, construction of domestic dispute resolution processes in the United States was based on an assumption of gender neutrality. There is now a developed and growing body of literature that has effectively challenged and disproved that assumption, including empirical work that demonstrates that women and men behave differently in a variety of bargaining and dispute resolution contexts.<sup>16</sup> These domestic studies have important lessons for peace processes and for the structuring of post-conflict dispute resolution systems. For example, studies of negotiation behavior reveal that women are less likely than men to ask for what they want or simply avoid negotiation

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15. *Id.* at 17.

16. See, e.g., Linda Babcock & Sara Laschever, *Women Don't Ask: Negotiation and the Gender Divide*, in DISPUTE RESOLUTION AND LAWYERS 269 (Leonard L. Riskin et al. eds., 3d ed. 2005); Tina Grillo, *The Mediation Alternative: Process Dangers for Women*, 100 YALE L. J. 1545, 1601-07 (1991) (suggesting gender-related power imbalances affect women in mediations); Ian Ayres, *Fair Driving: Gender and Race Discrimination in Retail Car Negotiations*, 104 HARV. L. REV. 817, 818 (1991) (showing women fared worse than men in bargaining to purchase a vehicle); Carol M. Rose, *Bargaining and Gender*, 18 HARV. J.L. & PUB. POL'Y 547, 555-60 (1995) (proposing that an unequal distribution of capital between the genders leads to unfavorable results for women in bargaining situations); but see Charles B. Craver, *The Impact of Gender on Clinical Negotiating Achievement*, 6 OHIO ST. J. ON DISP. RESOL. 1 (1990) (finding no statistically significant difference in results obtained by male and female law students in clinical negotiations).



where they perceive the situation may be difficult or uncomfortable.<sup>17</sup> These effects, however, are variable across cultures, with some effect exacerbated or alleviated, depending on prevailing cultural norms.<sup>18</sup> A nuanced and sensitive understanding of the interplay between culture and gender is therefore necessary to understanding gender-based reactions to various dispute resolution processes.<sup>19</sup>

Domestic studies in the U.S. have further shown that, despite differences between men and women, women have some advantages in negotiation. Researchers have—somewhat controversially—attributed this so-called “cooperative advantage” of women to the observed tendency of women to focus more on long-term relationships than do men.<sup>20</sup> Men generally are found to approach negotiation as a “winner take all” or “zero-sum” game. By contrast, women tend to view traditional negotiating games as more integrative or distributive, and as a result may fare better in certain types of complex multi-issue negotiations.<sup>21</sup> Yet, the same domestic studies that conclude that women may

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17. See Babcock & Laschever, *supra* note 16, at 270.

18. See Robert J. Janosik, *Rethinking the Culture-Negotiation Link*, 3 NEGOTIATION J. 385, 392 (1987) (a study of bargaining behavior in children from Argentina, India and the U.S. comparing data about bargainers' age, gender, nationality showed that among the American and Indian subjects, the males were more competitive, while among the Argentinean subjects, the females were more competitive); see also Jeswald W. Salacuse, *Ten Ways That Culture Affects Negotiation Style: Some Survey Results*, 14 NEGOTIATION J. 221, 228 (1998) (a study measuring the effect of culture on negotiations showed that American women tended to see negotiation as a win-win process, where both parties could benefit, whereas Spanish women were evenly split, with fifty percent seeing the process as win-win and fifty percent seeing the process as win-lose, where the benefit to one party was a loss to the other); see also Hale Cihan Bolak, *When Wives are Major Providers: Culture, Gender, and Family Work*, 11 GENDER & SOC'Y 409, 424 (1997) (citing a study showing that Turkish women have taken on more economic responsibility and in many cases are the economic providers in their marriages examined the distribution of household work). In spite of women's new role as primary wage-earner, their style in negotiating household duties with their husbands has remained non-confrontational. *Id.* at 417.

19. See Christine Rack, *Negotiated Justice: Gender and Ethnic Minority Bargaining Patterns in the Metrocourt Study*, 20 HAMLIN J. PUB. L. & POL'Y 211, 222 (1999) (a 1990-1992 study of mediations in Bernalillo County, New Mexico found that culture, as well as gender, affected parties' negotiation behavior).

20. Babcock & Laschever, *supra* note 16, at 272; see also CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT 16-17 (1982) (positing that women's identities and self-worth are tied to their relationships); but see CATHARINE A. MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW 38-39 (1987) (suggesting women's qualities that distinguish them from men were assigned to them by men and not inherent).

21. Babcock & Laschever, *supra* note 16, at 272-73 (in a cited study, women fared better in distributive games than in zero sum games).

sometimes be “better” than men in certain negotiation situations have, found that the gender advantage breaks down where there is not a shared view or norm among the parties about the particular approach. Thus, women negotiating with parties who take a zero-sum approach end up with sub-optimal results as compared with women negotiating with others who accept the integrative or distributional approach.<sup>22</sup>

Studies of third-party mediation in domestic contexts have also demonstrated strong gender effects when it comes to the nature or design of dispute resolution systems. Women have been found to face particular harms in certain formal legal processes, such as trials. Harm arises, for example, when women are forced to deal with abusers or others who have caused them physical or psychological harm on an equal footing at a time when women are particularly vulnerable because of the stakes of the outcome (for example, custody and welfare of their own children is at issue.)<sup>23</sup> Where women are the subjects of or parties before mandated mediation processes, for example, they can encounter many of the same negative experiences associated with formal legal processes such as trials.

Gender also matters when it comes to selection of the actors within a dispute resolution system. The gender of a mediator or judge can affect the perspective of the parties and the substantive outcomes. Women judges, for example, have been shown to have systematically different voting patterns in appeals cases than their male counterparts facing the same issues.<sup>24</sup> In a study of the effect of a judge’s gender on the outcome of divorce proceedings showed women fared better with female judges than they did with male judges.<sup>25</sup> Gender may also affect the participants’ perception of dispute resolution processes and actual

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22. *Id.* at 274.

23. This phenomenon is also observed at international trials. *See, e.g.,* Shana Eaton, *Sierra Leone: The Proving Ground for Prosecuting Rape as a War Crime*, 35 *GEO. J. INT’LL.* 873, 900 (2004).

24. *See* Sue Davis, Susan Haire & Donald R. Songer, *Voting Behavior and Gender on the U.S. Courts of Appeals*, 77 *JUDICATURE* 129 (1993) (showing that in employment discrimination cases before the courts of appeals between 1981 and 1990, female judges were more likely than male judges to find for the plaintiff).

25. Elaine Martin & Barry Pyle, *State High Courts and Divorce: The Impact of Judicial Gender*, 36 *U. TOL. L. REV.* 923, 936 (2005) (examining non-unanimous divorce-related cases in 37 states’ high courts from 1998 to 1999). While male judges supported female parties 53.6% of the time, female judges supported female parties 75.6% of the time. *Id.*

results. In a study of gender bias in federal courts, women attorneys were more likely than men attorneys to perceive judges' gender bias.<sup>26</sup>

Understanding gender effects within processes is an important step to reforming current international approaches to the resolution of armed conflict. Just as in domestic negotiation and mediation, presence of women matters if we are to shift patterns of zero-sum negotiations framed in the context of status quo military and political power toward more integrative solutions that include the other half of the affected population.

## II. A WOMAN'S PLACE AT THE PEACE TABLE

Empirical studies demonstrating correlations between women's equality and peace and between women's participation in dispute resolution and the content of the outcomes confirms a few core assumptions at the heart of the women's movement. Historically, there has been a strong link between peace movements and the political struggle for women's equality. Indeed, in the United States and Europe, the project of gaining gender equality under law by increasing women's participation in political life was closely linked with the peace movement. Women were deeply involved in the abolitionist-pacifist movements of the 19th Century, which sought to abolish slavery, but more specifically aimed to eliminate structural violence throughout society.<sup>27</sup> In the early 20th Century, the suffragist-pacifists pursued a dual agenda that sought to outlaw war and secure the vote for women. The two issues were explicitly linked: If women participated in voting and political decision making, wars would not be supported.<sup>28</sup> Following World War I, women formed the Women's International League for Peace and Freedom, which joined the goals of legal, social and economic equality for women with the goal of ending the scourge of war.<sup>29</sup>

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26. Ninth Circuit Gender Bias Task Force, *The Effects of Gender in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Task Force*, 67 S. CAL. L. REV. 745, 812-19 (1994).

27. ALONSO, *supra* note 7, at 16, 31-34.

28. *Id.* at 68.

29. *See id.* at 3-20.

Nonetheless, neither the issue of women's political and legal equality nor women's participation in peace and security processes was a top priority for the founders of the United Nations system after World War II. To be sure, the suffragist movement influenced broad notions of human rights and women's political participation, and both the United Nations Charter and the Universal Declaration of Human Rights include the promotion of non-discrimination on the basis as sex among the foundational aspirations of the international human rights system.<sup>30</sup> But an international movement to promote the role of women within the work international organizations or to require member states to extend full political and legal rights to women within their territory did not gain momentum for several decades following the creation of the UN.<sup>31</sup> Not until the modern women's movement made strides in the U.S. and Europe during the 1960s and 1970s did an international women's movement begin to emerge.<sup>32</sup> As a result, there was almost no attention to gender issues in structuring peace and security institutions until the 1980s and 1990s.

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30. See U.N. Charter art. 55; Universal Declaration of Human Rights, G.A. Res. 217A (III), art. 2 (Dec. 10, 1948).

31. The UN Human Rights Commission established a Commission on the Status of Women in 1946, but its original goal to pursue the equal legal rights of women was confined to the secure the protection of women within familial relationships:

Between 1949 and 1959, the Commission elaborated the Convention on the Political Rights of Women, adopted by the General Assembly on 20 December 1952, the Convention on the Nationality of Married Women, adopted by the Assembly on 29 January 1957, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 7 November 1962, and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 1 November 1965. Each of these treaties protected and promoted the rights of women in areas in which the Commission considered such rights to be particularly vulnerable.

UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, SHORT HISTORY OF THE CEDAW [CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN] CONVENTION, <http://www.un.org/womenwatch/daw/cedaw/history.htm>. Outside of these areas, it was generally believed women's rights were best protected under general human rights treaties. *Id.*

32. See *id.* In 1976, the U.N. Development Fund for Women (UNIFEM) was created with the express purpose of channeling money toward the most vulnerable women in the developing world. See UNIFEM, THROUGH THE YEARS (2006), [http://www1.bpcd.net/cgi-bin/nph-proxy.cgi/000000A/http/www.unifem.org/campaigns/30th\\_anniversary/through\\_the\\_years.php](http://www1.bpcd.net/cgi-bin/nph-proxy.cgi/000000A/http/www.unifem.org/campaigns/30th_anniversary/through_the_years.php). That same year, drafting of the Convention on the Elimination of Discrimination Against Women (CEDAW) began. CEDAW entered into force in 1981. See UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, *supra* note 31.

### A. Women in Informal Processes

Theories of armed conflict resolution typically separate formal processes from informal processes.<sup>33</sup> In typologies of peace processes, formal processes, those that involve interactions between states or political groups seeking statehood, are typically referred to as Track One.<sup>34</sup> Track Two is used to describe negotiations or processes that include nongovernmental organizations (NGOs) or private citizens.<sup>35</sup> Within a particular conflict, Track One is typically the intergovernmental process aimed at a legally binding result in the form of a cease-fire agreement or a more comprehensive settlement of the conflict.<sup>36</sup> As such, Track One tends to focus on the central political and military dimensions of the conflict. Track Two is generally considered to be informal, in that it can take place wholly outside formal governmental or intergovernmental institutions. However, Track Two can be a means through which formal governmental actors accommodate issues that might otherwise be difficult to address in the Track One process.<sup>37</sup> The idea of separating the types of process into two tracks “arose from the realization by diplomats, social scientists, conflict resolution professionals, and others that formal, official, government to government interactions between instructed representatives of sovereign nations were not necessarily the most effective methods of securing international cooperation or resolving differences or conflicts.”<sup>38</sup>

Women have been involved in informal peace processes forever—at least since war has been a feature of human experience. In modern times, women have worked outside of formal legal and political structures to prevent war before it begins, end wars that are ongoing,

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33. See generally LOUISE DIAMOND & JOHN McDONALD, *MULTI-TRACK DIPLOMACY: A SYSTEMS APPROACH TO PEACE* (3d ed. 1996) (presenting a useful framework for understanding multitrack diplomacy within an inclusive typology of all possible societal, governmental and individual roles).

34. *Id.* at 1-5 (noting that the “Track One, Track Two” paradigm arose in the 1980s and 1990s, and attributing the first use of “Track Two” to Joseph Montville in 1982).

35. *Id.* at 1-2.

36. See *id.*

37. See Jacob Bercovitch & Allison Houston, *The Study of International Mediation: Theoretical Issues and Empirical Evidence*, in *RESOLVING INTERNATIONAL CONFLICTS: THE THEORY AND PRACTICE OF MEDIATION* 11 (Jacob Bercovitch ed., 1996).

38. DIAMOND & McDONALD, *supra* note 33, at 1.

and to help heal the wounds of wars that have ended. Informal processes can encompass everything from individual or small group acts (Cindy Sheehan's protests against U.S. involvement in the Iraq war outside President Bush's ranch in Crawford),<sup>39</sup> to systematic organized events (the concerned mothers of Russia protesting against Russian actions in Chechnya),<sup>40</sup> to women's nongovernmental organizations (NGOs) and political groups engaging in lobbying and other collateral processes that often accompany formal peace talks.<sup>41</sup> One example of the latter occurred during World War I, when women from warring and neutral countries came together to form the Women's International League for Peace and Freedom (WILFP) to protest the war. After the war, the WILFP successfully lobbied the U.S. Congress to investigate the influence of the munitions industry on the decision of the United States to enter the war in 1917.<sup>42</sup> During the Cold War, women organized informally to end above-ground testing of nuclear weapons and contributed to the signing of the Partial Test Ban Treaty in 1963.<sup>43</sup>

There are perhaps hundreds of more recent examples.<sup>44</sup> In many recent conflicts, informal mechanisms represented the only opportunities for women to participate in peace building and bring the central concerns of women—health and safety, education, accountability for lost family members, and community rebuilding—to the attention of the parties engaged in the formal peace process. Throughout the 1989-1998 conflict in Papua New Guinea, for example, women organized networks of local groups. When conflict broke out between the government and a secessionist group, the women worked as intermediaries between the parties. They organized peace marches and protested

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39. See Richard W. Stevenson, *Of Many Deaths in Iraq, One Mother's Loss Becomes a Protest of the President's Policy*, N.Y. TIMES, Aug. 8, 2005, at A13.

40. Swanee Hunt, *Russian Mothers Soldier on for Reform*, ROCKY MOUNTAIN NEWS, Feb. 25, 2001, at 3B.

41. See Jacqueline Nolan-Haley & Bronagh Hinds, *Problem-Solving Negotiation: Northern Ireland's Experience with the Women's Coalition*, J. DISP. RESOL. 387 (2003) (providing a good example of N. Irish women working in Track II who eventually won a seat at the table by forming their own political party and thereby affecting the outcome of the Good Friday Accords).

42. See *Women, Peace and Security*, *supra* note 3, at IV-¶165; see also ALONSO, *supra* note 7, at 123-24.

43. *Women, Peace and Security*, *supra* note 3, at IV-¶165; see also ALONSO, *supra* note 7, at 207.

44. See *Women, Peace and Security*, *supra* note 3, at IV-¶165-78.

against soldiers who prevented delivery of humanitarian aid. Women also created a “peace area” in 1991 from which they excluded all armed men.<sup>45</sup> As a result of the women’s leadership, the community initiated the disarming of the Bougainville Resistance Army and agreed to keep resistance forces from the area.<sup>46</sup>

Informal women’s organizations have played an important role in countering internal government violence. During the years of military rule in Argentina, a group that called itself “Mothers of the Plaza de Mayo” was formed by women whose children and grandchildren had been kidnapped by the military and “disappeared” during the “Dirty War.”<sup>47</sup> The mothers demonstrated regularly in the plaza in front of the presidential palace—in defiance of the military government—to raise questions about the fate of the victims of the disappearances.<sup>48</sup> Their peaceful protest raised awareness and the group garnered support both from within Argentina and the international community.<sup>49</sup> Their efforts played an important role in the process of democratization and post-regime accountability in Argentina.<sup>50</sup>

Despite the many ways in which women have made a difference through these informal processes, there is a danger that complacency with or an overemphasis on participation in informal processes may be counterproductive to the long-term interests of women. First, by focusing on informal processes, women may be forgoing opportunities to be heard within formal processes where permanent and lasting decisions are made, including constitution drafting, design of post-conflict dispute resolution, and political participation. Second, informal processes may unnecessarily perpetuate the view of women as victims of conflict rather than agents of change. Because these informal processes evolved, at least in part, as a reaction to marginalization and exclusion from formal structures, expression of satisfaction with them may signal that women are content with a secondary role, one that may be tangential to legal and political institution building. If women are

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45. *Id.* at IV-173.

46. *See Gender Profile of the Conflict in Bougainville/Papua New Guinea*, <http://www.womenwarpeace.org/bougainville/docs/bougnov24.pdf>.

47. *See* MARGUERITE GUZMAN BOUVARD, *REVOLUTIONIZING MOTHERHOOD: THE MOTHERS OF THE PLAZA DE MAYO 1* (1994).

48. *Id.* at 2.

49. *Id.* at 1-2.

50. *See id.* at 117.

not represented in formal processes in numbers large enough to create a shift of focus to issues of importance to them, their relegation to informal processes may be perpetuated.

## B. Women in Formal Processes

One way to avoid this marginalization is to increase participation of women in a range of formal institutional roles that bear on when and how armed conflict is avoided, shortened or resolved. The success of women to transform some informal movements into formal political action suggests that the distinction between informal and formal mechanisms may shift according to circumstances. In a recent article examining the role of multilateral institutions in resolving war, I included the non-military legal and political processes of armed conflict resolution within the category of "intermediation" function.<sup>51</sup> Intermediation includes non-binding diplomatic, negotiation and third-party mediation efforts to resolving war, and also the binding adjudicatory processes that are available through treaty arrangements or *ad hoc* institutions created by the UN, including binding arbitration, adjudication before the International Court of Justice (ICJ), or prosecution by an *ad hoc* criminal court (such as the International Criminal Tribunals for Former Yugoslavia and Rwanda (ICTY and ICTR)), or the International Criminal Court (ICC).<sup>52</sup> When viewed through the lens of intermediation, the role of gender is implicated along two dimensions: (1) as actors in these formal processes (*e.g.*, as advocate, judge, mediator, negotiator, or diplomat); and (2) the issues to be addressed and the form of solutions to those issues.

1. *Women as Actors in the Process*: Swanee Hunt, the former US Ambassador to Austria and the chair of Women Waging Peace, an organization that aims to promote women in the peace process, noted in 2001 that "[a]llowing men who plan wars to plan peace is a bad habit."<sup>53</sup> I think perhaps she put it too mildly. Women are currently underrepresented both as representatives of the parties in traditional diplomacy and

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51. See Margaret E. McGuinness, *Multilateralism and War: A Taxonomy of Institutional Functions*, 51 VILL. L. REV. 149, 185 (2006).

52. See *id.*

53. Swanee Hunt & Cristina Posa, *Women Waging Peace: Inclusive Security*, FOREIGN POL'Y 38 (May/June 2001).



party-to-party negotiation; as judges and adjudicators at national courts and international courts and tribunals; and as third-party mediators and conciliators in Track I peace processes.

One stark recent example of the underrepresentation of women as parties to the process is the Dayton Peace Talks to end the war in Bosnia. Despite the fact that women had been affected most horrifically by the sex-crimes committed during that conflict,<sup>54</sup> women were all but absent among the official delegations:

The Dayton peace negotiations were a dialogue of men, often with purely militaristic overtones. No women were present around the negotiation table, and there was only one woman represented among the signatories. There were a few women among the international delegates but none in the regional delegations.<sup>55</sup>

There is some evidence that, while the Dayton peace process was sensitized to constructing a settlement that carefully calibrated ethnicity and balanced ethnic representation within the post-conflict public institutions, the differential impact of the conflict on women was not a priority.<sup>56</sup>

From the perspective of third-party mediation or post-conflict management, in the decade of the 1990s, there were just four women Special Representatives of the Secretary General in peace-related positions.<sup>57</sup> Today, 4 out of 61, or just 6.5% of senior peace-related posts in the UN are held by women.<sup>58</sup> This may reflect the fact that the

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54. The number of women raped during the war in Bosnia is estimated in the tens of thousands.

55. KVINNA TILL KVINNA FOUNDATION, ENGENDERING THE PEACE PROCESS: A GENDER APPROACH TO DAYTON—AND BEYOND 20 (Anna Lithander ed., 2000), available at [www.iktk.se/English/publications/thematic\\_reports/thematic\\_reports.html](http://www.iktk.se/English/publications/thematic_reports/thematic_reports.html) (footnotes omitted) (noting that chief of the British negotiating delegation was a woman, Pauline Neville-Jones).

56. *Id.* at 26.

57. Margaret Anstee (British) in Angola, 1992-93; Angela King (Jamaican) in South Africa, 1992-94; Elizabeth Rehn (Finnish) in Bosnia, 1997-99; and Ann Hercus (New Zealander) in Cyprus, 1998-99. Between 2000 and 2004 there were three deputy SRSGs: Margareta Wahlstrom (Swedish) in Afghanistan, 2002-04; Lena Sundh (Swedish) DRC 2002-04; and Roza Otunbayeva (Kyrgyz Foreign Minister) Georgia, 2002-04. Antonia Potter, *We the Women: Why Conflict Mediation is Not Just a Job for Men*, Centre for Humanitarian Dialogue 1, 4 (2005).

58. Heidi Tagliavini (Swiss) SRSG in Georgia since July 2002; Carolyn McAskie (Canadian) SRSG in Burundi since June 2004; Ameerah Hag (Bangladeshi) DSRSG in Afghanistan since June 2004; and Patricia Waring-Ripley (Canadian) DSRSG in Kosovo since August 2005. *Id.*

pool from which such representatives are selected contains a relatively small number of women. For example, the Inter-parliamentary Union reports that just 16 percent of all parliamentarians around the world are women; in Europe and the Americas the number is closer to twenty percent.<sup>59</sup> The representation of women in the senior non-legislative ranks of countries that typically serve as outside mediators or guarantors—such as the United States—is similarly disproportionately small. There has been some improvement in the U.S. in the past decade, with two women serving as secretary of state and an increase of women's representative in the Senior Foreign Service (the pool from which most career ambassadorial appointments are made) to twenty-five percent.<sup>60</sup> In 2006, out of the 192 Member States of the UN, only 22 countries (including the U.S.) had women serving as foreign ministers.<sup>61</sup> Men also tend to dominate the non-governmental mediation roles that make up Track Two processes.<sup>62</sup>

There is no legal impediment to improving on this dismal record. In fact, all Member States of the United Nations have agreed to take steps to ensure meaningful participation of women in peace processes.<sup>63</sup> The 184 states parties<sup>64</sup> to the 1980 Convention on the Elimination of Discrimination Against Women (CEDAW) have committed themselves

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59. See INTER-PARLIAMENTARY UNION, WOMEN IN NATIONAL PARLIAMENTS (July 31, 2006), <http://www.ipu.org/wmn-e/world.htm>.

60. See Ann Wright, *For the Record: Breaking Through Diplomacy's Glass Ceiling*, FOREIGN SERV. J. at 53, 54 (Oct. 2005); see also Ambassador Joyce E. Leader, Speech Delivered at Penn State University: Women in the International Affairs Professions (Apr. 5, 2001), <http://www.fundforpeace.org/media/speeches/leader02.php>; see also U.S. DEPARTMENT OF COMMERCE OFFICE OF INSPECTOR GENERAL, U.S. AND FOREIGN COMMERCIAL SERVICE IS ADDRESSING FOREIGN SERVICE PERSONNEL MANAGEMENT ISSUES (Sept. 1999), <http://www.oig.doc.gov/oig/reports/1999/ITA-BTD-10829-09-1999.pdf>.

61. Current Female Foreign Ministers, [http://www.guide2womenleaders.com/foreign\\_ministers\\_current.htm](http://www.guide2womenleaders.com/foreign_ministers_current.htm) (last visited Nov. 7, 2006).

62. See DIAMOND & McDONALD, *supra* note 33, at 38-39 (noting that Track Two roles are dominated by white males with PhDs and JDs).

63. See International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), art. 3, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (Dec. 16, 1966); International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), art. 3, U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (Dec. 16, 1966); Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, art. 3, U.N. GAOR, 34th Sess., Supp. No. 46, U.N. Doc. A/Res/34/180 (Dec. 18, 1979) [hereinafter CEDAW].

64. See UNITED NATIONS DIVISION FOR THE ADVANCEMENT OF WOMEN, STATES PARTIES, <http://www.un.org/womenwatch/daw/cedaw/states.htm> (last visited Nov. 2, 2006).

to “take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.”<sup>65</sup> This obligation supplements the commitment of the States Parties of CEDAW to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country,” and ensure the rights to vote, participate in the formulation and implementation of government policy, hold public office, and participate in NGOs and associations “concerned with the public and political life of the country.”<sup>66</sup> In addition to CEDAW, a range of international human rights treaties and declarations provide aspirational statements of a commitment to equality or commit member states to incremental obligations to improve the level of women’s political participation.<sup>67</sup> Further, the obligations arising from membership of regional and international organizations—in particular the UN—implicate policy obligations.

Beginning at the Beijing Conference in 1995, the UN initiated a series of commitments to improving the representation of women in peace processes. The Beijing platform included Strategic objective E.1, which called on actions to be taken by governments and regional and international institutions to:

Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.<sup>68</sup>

The Beijing platform took an integrative approach to formal processes, noting for example, that women need to be considered in national decisions about whom to include in diplomatic positions, in nominations for international judicial positions (such as judges for *ad hoc* tribunals and the ICJ), as well as in representation at the UN Secretariat, which is largely responsible for nominating the special representatives and rapporteurs who serve in range of peacemaking roles from human rights fact-finding to direct mediation between the parties.<sup>69</sup> I generally

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65. CEDAW, *supra* note 63, art. 8.

66. *Id.* art. 7.

67. *See supra* note 63.

68. The United Nations Fourth World Conference on Women, Sept. 1995, *Beijing Platform for Action*, E.1, <http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>.

69. *Id.* E.3 ¶ 144(c).

agree with the broad approach, which tends to parallel my own thinking about the intermediation role played by multilateral institutions in the process of resolving armed conflict.

As a follow up to the Beijing commitment, in October 2000, the UN Security Council passed Resolution 1325, which called specifically on Member States to expand the role of women in UN field operations and in a range of post-conflict positions, including civilian police, military observers, human rights workers and humanitarian personnel:<sup>70</sup>

Other international organizations, notably the Organization for Security and Cooperation in Europe (OSCE) and the European Union (EU), have been moving to “mainstream gender” concerns into their peace and security work.<sup>71</sup> On balance, however, very little measurable progress has been made to make the commitments to Resolution 1325 a reality.

### C. Women’s Issues in Peace Settlements

For all the reasons discussed above, and taking into account the demonstrated links between women’s equal political participation and enduring peace, it is essential that women have a seat at the table. But the international community does not have to wait for gender parity—or the critical mass at which point policies shift<sup>72</sup>—of women in the UN Secretariat or the legislatures and foreign offices of member states in order to begin to address the substantive outcomes of peace processes that most affect women. Academic studies demonstrating the salience of gender in causation and resolution of armed conflict can be used to lobby the institutions and mediating teams to take into account the concerns of women on an ongoing basis. Indeed, studies of recent peace processes in the Balkans (Bosnia and Kosovo) provide important

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70. S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000).

71. “Gender mainstreaming” has been defined by the Council of Europe as “the reorganization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stage by the actors normally involved in policy making.” See KVINNA TILL KVINNA FOUNDATION, *supra* note 55, at 14. The OSCE has placed gender on the agenda for the Office of Democratic Institutions and Human Rights, and the European Parliament passed a resolution calling on EU member states and the European Council and Commission “to promote the equal participation of women in diplomatic conflict resolution ....” Hunt, *supra* note 53, at 39.

72. Jane S. Jaquette, *Women in Power: From Tokenism to Critical Mass*, 108 FOREIGN POL’Y 23, 34 (Fall 1997).

lessons for structuring the terms of the peace in ways that can promote gender equality and a role of women in post-conflict civil society.<sup>73</sup>

Peace agreements now encompass much more than simple cease fires and demilitarized zones and include: constitutions and commitments regarding the rule of law; the terms of national reconstruction and economic development; and guarantees for political participation.<sup>74</sup> Christine Bell has recently suggested that peace agreements are emerging as a new form of law that she labels “*lex pacificatoria*.”<sup>75</sup> These agreements are characterized by their hybrid nature. For example, a peace agreement can include both state and non-state parties and a peace agreement can include both domestic and international matters.<sup>76</sup> Moreover, the political and economic structures created through peace agreements are often the blueprint for membership in important regional and international organizations.<sup>77</sup> It is therefore crucial that women’s issues be made an explicit priority in the drafting of these agreements.

There is a complete feminist literature on international law and international institutions that suggests it is the very gendered nature of these formal peace processes within international law that has silenced women’s voices and perpetuated a male-dominated international system that favors militarized solutions to global problems that, in turn, perpetuate male dominance.<sup>78</sup> Much of this work has important insights

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73. See KVINNA TILL KVINNA FOUNDATION, *supra* note 55, at 10.

74. See, e.g., the Liberia Peace Agreement, Article XXIX, International Assistance (Aug. 18, 2003), available at [http://usinfo.state.gov/af/Archive\\_Index/Liberia\\_Peace\\_Agreement.html](http://usinfo.state.gov/af/Archive_Index/Liberia_Peace_Agreement.html) (political, social, economic and security assistance are facilitated by the United Nations Mission in Liberia as part of the agreed-upon peace agreement).

75. Christine Bell, *Peace Agreements: Their Nature and Legal Status*, 100 AM. J. INT’L L. 373, 375 (2006).

76. *Id.* at 379.

77. See, e.g., Liberia Peace Agreement, *supra* note 74, art. XXXIII, Role of the International Community (in the case of Liberia, international support and monitoring was provided by international organizations of which it was already a member; the United Nations, the Economic Community of West African States, and the African Union).

78. Christine Chinkin, *Gender, Human Rights, and Peace Agreements*, 18 OHIO ST. J. ON DISP. RESOL. 867, 873 (2003) (suggesting that failure to include women in post-conflict negotiation can lead to a greater focus on militarism and force).

into the nature of the international system.<sup>79</sup> It is not my purpose here to reject those insights or to respond to them.

Rather, without taking away from these essential feminist critiques, my argument here is simply that participation in the formal mechanisms is an important step toward reconstructing societies in conflict in ways that are less disadvantageous to women. At the same time, participation offers a route to reconstructing the processes themselves, reforming them where they are deficient and helping lock in the gender equality that is necessary to ensuring long-term peace. The literature that suggests a certain critical mass of women is required to shift norms within individual workplaces or political bodies can be logically extended to these international institutions and processes of intermediation.<sup>80</sup>

#### IV. THE WAY FORWARD

An important avenue for increasing pressure on international institutions and norms of peace making is through national political representation by women. The recent elections of Ellen Johnson-Sirleaf in Liberia and of Michele Bachelet in Chile are examples of where women—framed explicitly in the campaigns those two post-conflict nations as maternal—were elected because of their perceived ability to bring about reconciliation. In the case of Johnson-Sirleaf, the first democratically elected woman president of an African country, her gender lent her credibility as someone with the non-military temperament needed to heal the wounds of the civil war.<sup>81</sup> That is in stark contrast to the composition of the UN Mission to Liberia, whose top civilian and military leadership includes not one woman.<sup>82</sup> In Bachelet's case, her experience as defense minister helped blunt

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79. HILARY CHARLESWORTH & CHRISTINE CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST ANALYSIS* 288-92 (2000); *see also* JAN PETTMAN, *WORLDING WOMEN: A FEMINIST INTERNATIONAL POLITICS* 87-106 (1996) (discussing the field of international relations as "masculinist" and proposing a more gender-conscious alternative to the field).

80. *See* Drude Dahlerup, *From a Small to a Large Minority: Women in Scandinavian Politics*, 4 *SCANDINAVIAN POLITICAL STUDIES* 275-76 (1988).

81. *See* Emira Woods, *Can Africa's First Woman President Get Liberia Back on Track?*, *CHRISTIAN SCI. MONITOR*, Jan. 17, 2006, at 9.

82. *See* MISSION LEADERSHIP, UNITED NATIONS MISSION IN LIBERIA, <http://www.unmil.org/content.asp?ccat=senioroff> (last visited Nov. 6, 2006).

criticism that she would not be able to handle the national security aspects of the job.

The call for taking gender into account in the resolution of armed conflict has grown louder in the five years since the passage of Resolution 1325. This has been fueled by a linking of women on the ground in conflict zones who have been profoundly affected by processes that in large measure exclude them, with international lawyers and, in some prominent cases, women diplomats and political leaders. This shift in focus has, importantly, been influenced by the actual experiences of women in the dozens of wars and peace processes that have occurred since the end of the Cold War. The important roles played by women in the Good Friday Accords leading to a lasting ceasefire in Northern Ireland<sup>83</sup> and in the Bonn Process and the Loya Jirga held to organize post-Taliban government for Afghanistan in 2002,<sup>84</sup> demonstrate reasons for hope. There is also a need for increased diligence and for more action by governments and institutions to make women's participation a higher priority. More and better data collection by governments and international institutions is needed to aid in systematic study of gender effects on the process of conflict resolution.

Finally, as we focus women's issues in peace, we should perhaps be mindful of Friedan's cautionary note at the 1995 Beijing conference that, when it comes to curing society's ills—even working toward the elimination of war and violence—women are not alone.<sup>85</sup> According to the Chinese proverb, women hold up half the sky. But we must work with those who hold up the other half.

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83. See Nolan-Haley & Hinds, *supra* note 41.

84. Jessica Neuwirth, Commentary, *Women and Peace and Security: The Implementation of U.N. Security Council Resolution 1325*, 9 DUKE J. GENDER L. & POL'Y 253, 254-55 (2002).

85. Betty Friedan, *Beyond Gender*, NEWSWEEK, Sept. 4, 1995.