

SPECIAL ISSUE EDITORIAL

GENDER, CONFLICT AND POLITICAL SETTLEMENTS: WHAT DO WE
KNOW?*Catherine O'Rourke****Introduction**

This Special Issue draws together findings and analysis from the gender theme of the Political Settlements Research Programme (PSRP). PSRP has been a four-year research programme made up of an academic/practitioner, north/south consortium, led by the Global Justice Academy at the University of Edinburgh.¹ The programme set out to investigate how peace processes attempt to revise political settlements to make them more inclusive, so as to end violent conflict. In particular we were interested in forms of 'horizontal' inclusion between political and military leaders who have been former opponents, and forms of 'vertical' inclusion between rulers (often in the form of new power-sharing coalitions) and the ruled (wider social groups and individuals). The PSRP gender theme focused on uncovering the gender dynamics of political settlements through a series of discrete research projects, as well as through maintaining gender as a cross-cutting research interest. As the programme draws to a close, this Special Issue aims to distil and convey the key general propositions on gender and inclusion discovered through PSRP research.

The political settlement framework is a political economy explanation for the configuration of formal and informal institutions in a country. Political settlements are defined by DFID as:

[T]he expression of a common understanding, usually forged between elites, about how power is organised and exercised. They include formal institutions for managing political and economic relations, such as electoral processes,

* Dr Catherine O'Rourke coordinates the Political Settlements Research Programme Gender Theme. She is Senior Lecturer in Human Rights and International Law at the Transitional Justice Institute and School of Law, Ulster University, Northern Ireland. Email: cf.orourke@ulster.ac.uk

¹ The Special Issue and Editorial are outputs of the Political Settlements Research Programme (PSRP), funded by UK Aid from the UK Department for International Development (DFID) for the benefit of developing countries. The information and views set out in this publication are those of the author. Nothing herein constitutes the view of the Department, or has been subject to input by the Department.

peace agreements, parliaments, constitutions and market regulations. But they also include informal, often unarticulated agreements that underpin a political system, such as deals between elites on the division of spoils.²

The framework purports to support development interventions that are more sensitive and responsive to the political dynamics that underpin and often determine formal institutional configurations in aid-receiving contexts. The political settlements framework has garnered growing policy traction with donor governments and international financial institutions devising interventions towards economic development and the rule of law in conflict-affected and post-conflict states. The influence of the framework is evidenced by the existence of large, donor-funded research programmes, such as the PSRP and others.³

The PSRP commenced in 2015 with three initial research questions:⁴

How do different types of political settlement emerge, and what are the actors, institutions, resources, and practices that shape them?

How can political settlements be improved by internally-driven initiatives, including the impact of gender-inclusive processes and rule of law institutions?

How, and with what interventions, can external actors change political settlements?

This Editorial addresses, first, how as a gender theme and Special Issue we approached and interpreted these research questions; second, the methodological underpinnings and eclecticism that defined the PSRP gender research included in the Special Issue; and third, the general propositions on inclusion to be distilled from the gender work, addressing in turn peace processes, international norms and gender-based violence. The final section of the Editorial addresses the scholarly and policy significance of the overall body of work.

² Department for International Development. (2010). *Building Peaceful States and Societies*. London: DFID, 22.

³ Other examples include Effective States and Inclusive Development (ESID) Research Centre at the University of Manchester, also funded by DFID, and the Development Leadership Programme (DLP) at the University of Birmingham, which is primarily funded by Australian Aid.

⁴ These were the research questions posed by DFID in their research tender.

What Was the Question?

The political settlements framework has arisen and been developed primarily within political economy and development studies. As such, it was (and arguably continues to be) relatively marginal in peace and conflict studies and gender analysis of conflict. The PSRP therefore brought a novel dimension to the study of political settlements, through a focus on conflict, its resolution, and efforts to transition out of conflict paradigmatically through peace agreements. Thus the PA-X Database, which includes and analyses over 1,500 peace agreements signed since 1990, is a key programme output (Bell and McNicholl, this volume) and also informs several other programme findings on inclusion.

An early innovation of the PSRP was to revisit the central concept of the political settlement and to propose instead the ‘formalised political unsettlement’.⁵ The PSRP’s focus is on fragile and conflict-affected states, which have undergone forms of peace process or, ‘put another way, formalised processes of reconfiguring the political settlement to be more inclusive of the main contenders of power and, therefore, more stable’.⁶ The concept of the ‘formalised political unsettlement’ better captures these efforts to manage and contain – rather than resolve – the conflict, translating the conflict into new political and legal institutions for continuing negotiation. Accepting that the formalised political unsettlement may be here to stay, given the scale of the practice, the PSRP prioritised the search for opportunities for navigating between elite inclusion and broader societal inclusion.

The formalised political unsettlement is defined by four characteristics and each, in turn, offer ambiguous opportunities for broader inclusion projects, namely (1) group accommodation potentially opening up other types of identity-based representation, including potentially women; (2) perpetual reform means that there are ongoing opportunities for inclusive change; (3) the heightened role for international norms opens up universal, value-driven norms as a medium of discussion between local and international actors; (4) domestic institutions include fluid transnational dimensions. The gender theme addressed, both directly and indirectly, the potential for inclusion

⁵ Bell, C., and Pospisil, J. (2017). Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement. *Journal of International Development*, 29(8), 576-593.

⁶ Ibid.

through a series of bespoke and cross-cutting research projects, which in turn inform the Special Issue.

How Do We Know What We Know?

The Special Issue reflects the diverse disciplinary perspectives that make up the PSRP consortium. These disciplinary perspectives include international law, political science, peace and conflict studies, gender studies and area studies. Further, importantly, the programme and Special Issue worked hard to productively manage, and challenge, traditional boundaries between scholars and practitioners. The different disciplinary and practical perspectives have, in turn, an impact on the range of both theoretical frameworks and methodological approaches that inform the Special Issue. Thus the articles draw variously on participatory action research (Yousuf and Close), social network analysis (Marks), large-N quantitative analysis (Bell and McNicholl), doctrinal legal analysis (O'Rourke), longitudinal analysis (Doyle and McWilliams) and comparative analysis (Swaine, Mackay and Murtagh). Despite its diversity, there are some unifying aspects to the methodological approach that can be identified. This section discusses six such aspects.

First, the Special Issue is united by a commitment to gender analysis as a methodological tool. Charlesworth has likened gender analysis to an 'archaeological dig',⁷ the top layer of which involves revealing the presence and absence of women in particular spheres and institutions. The next layer is to reveal the hidden gender of the traditional canon, revealing how apparently neutral principles and concepts can be seen to be operating differently with respect to women and men. The final and deepest layer of the excavation is to reveal the gendered and sexed nature of the basic concepts. This framework is useful for reflecting on the gender analysis that underpins the Special Issue.

Because there is very limited conceptual work considering political settlements as gendered and carrying significant gender implications, gender analysis was a critical methodological tool. There was a body of 'gender' case studies in political settlements

⁷ Charlesworth, H. (1999). Feminist Methods in International Law. *American Journal of International Law*, 93, 379-394.

work that preceded PSRP, in which the established political settlements framework was used, for example, to explain in particular the adoption of domestic violence laws in particular contexts.⁸ What was not available, however, was work that reconsidered some of the core assumptions of the political settlements framework as themselves gendered and gendering. Most productive of these excavations for PSRP concerned the terms ‘elites’ (in particular, maleness as a marker of elite status), ‘violence’ (as understood to be something between armed factions) and the implicit conception of the political settlement as a public sphere phenomenon, insulated from private sphere gender relations.⁹ PSRP gender work therefore named a number of implicit gender assumptions in the political settlements framework.¹⁰

The conceptual work of uncovering implicit gender assumptions was conducted, not to discard the political settlements framework, but in order to enhance it. There was a desire both to speak back to what had been done before, while also speaking outwards to a broader constituency of scholars and practitioners who are interested in the nexus between conflict, development, gender violence and inclusion. Thus, arguably, much of this endeavour has been about bringing established feminist and gender theoretical insights and methodologies to a framework that has, to date, been largely immune to them. For example, complicating ‘violence’ and revealing continuities between violence directly due to contestation over the political settlement and more private forms of violence is not necessarily a ‘new’ insight as such.¹¹ Our research very significantly deepens our understanding of these continuities and, importantly, explains its relationship to questions of political settlements inclusion.

⁸ For example, Nazneen, S., and Mahmud, S. (2012). *Gendered Politics of Securing Inclusive Development*. ESID Working Paper No. 13, University of Manchester; Domingo, P., Menocal, A.R., and Hinestroza, V. (2015). *Progress Despite Adversity: Women’s Empowerment and Conflict in Colombia*. London: Overseas Development Institute.

⁹ O’Rourke, C. (2017). Engendering Political Settlements: Challenges and Opportunities. *Journal of International Development*, 29, 594–612.

¹⁰ Ibid; Close, S. (2018). *Gendered Political Settlements: Examining Peace Transitions in Bougainville, Nepal and Colombia*. London: Conciliation Resources.

¹¹ See, for example, United Nations Special Rapporteur on Violence Against Women Rashida Manjoo. (2011). *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, 1 August 2011: Continuum of Violence against Women from the Home to the Transnational Sphere: The Challenges of Effective Redress*. UN Doc. A/66/215.

A final comment on the gender analysis underpinning the Special Issue merits mention. Early gender analysis in PSRP identified the need to investigate more closely men *as men* in political settlements research.¹² Ultimately, however, the PSRP 'gender' theme primarily investigates questions of women's inclusion. It is predominantly *feminist* gender work, interested in understanding sources of gender difference and inequality with a view to ameliorating and ending women's inequality. Nevertheless, understanding gender to be relational between women and men, the research proceeds in ways that also reveal deeper underpinning gender dynamics of power in political settlements. For example, the contributions from Marks and from Doyle and McWilliams, whilst focused on women's experiences of violence and inclusion/exclusion, reveal important insights about the terms of inclusion in the post-conflict political settlement for former male combatants. In addition, questions about the inclusion of sexual minorities featured explicitly in elements of the gender research, most notably the Gender Workshops in Nepal (Yousuf and Close). There is nevertheless a need to look more closely at men and, in particular, how homosocial relations between male elites inform, consolidate – and may potentially challenge – the gendered political settlement.

Second, the Special Issue (and PSRP gender work more broadly) reflects the 'methodological eclecticism' that is often associated with feminist and gender research.¹³ In line with the characterisation of feminist research by Krook and Squires, the Special Issue is driven by substantive political problems and is thus open to the deployment of a broad range of methodological frames.¹⁴ In addition to methodological eclecticism, the Special Issue is also distinguished by significant methodological innovation. Yousuf and Close reflect thoughtfully and self-critically on the participatory action research model that was adopted for the gender practice workshops conducted with women's movements in Bougainville, Colombia and Nepal. Marks presents findings on gendered experiences of reintegration with an underutilised analytic approach looking at individual social support through 'ego-centric networks'.

¹² O'Rourke (n 9).

¹³ Krook, M. L., and Squires, J. (2006). Gender Quotas in British Politics: Multiple Approaches and Methods in Feminist Research. *British Politics*, 1, 44-66.

¹⁴ Ibid.

Bell and McNicholl showcase both quantitative and qualitative findings from the PA-X, a peace agreement database of unprecedented scope and depth. Some contributions draw richly on small-N comparative case studies design to render comparative findings on conflict-related violence against women (Swaine), women's participation in peace processes (Yousuf and Close) and gendered outcomes of power-sharing (Mackay and Murtagh). Doyle and McWilliams present their findings from the first-ever longitudinal study tracking the evolution of patterns of domestic violence, and policy responses to it, during and after conflict, while O'Rourke draws on legal doctrinal research in international law. The apparent methodological eclecticism is nevertheless unified by the motivation to understand and advance gender-inclusive political settlements.

Third, there is considerable geographic diversity underpinning the Special Issue articles and findings. The country cases informing the Special Issue range from Northern Ireland (Swaine, Doyle and McWilliams, Mackay and Murtagh) to Bougainville, Colombia and Nepal (Yousuf and Close), DRC (Marks, O'Rourke), Liberia and Timor Leste (Swaine), Bosnia and Burundi (Mackay and Murtagh). Bell and McNicholl conduct a global study of peace agreement practice in all countries since 1990. The geographic diversity thus informs single-case study, as well as small-N and large-N comparative case study research designs.

Fourth, the research was conducted with explicit attention to questions of research ethics and researcher reflexivity. Much of the research pertained to sensitive topics, and some of the research involved vulnerable populations. The challenges presented were manifold and three merit mention here. One was the imperative to avoid 'extractive' research, which draws on research subjects for data, but offers no reciprocal value to participants. The paper by Yousuf and Close involves the most detailed reflection on this challenge and their strategies for avoiding it, through sustained, established relationships with research partners involved in co-designing research to meet also their own needs. Likewise, the domestic violence research from Northern Ireland was a model of co-produced research, designed to respond to the needs and add value to the advocacy of the partner organisation, in this case Women's Aid (Doyle and McWilliams). A further ethical issue was the question of researcher reflexivity in research design. The reflexive researcher is aware that designating certain groups to be

'elites' and others 'non-elites' is not a value-neutral exercise.¹⁵ Rather, the researcher of political settlements has a role in constituting 'elites' and 'non-elites' through naming them as such. Thus, the selection of research subjects and partners can also play a role in validating diverse and marginalised perspectives by actively seeking them, and by avoiding the uncritical designation of 'elites' (thus worthy of inclusion) and 'non-elites'. Again Yousuf and Close attend most directly to this question in their contribution, with their explicit objective 'to understand power from the perspective of those who are impacted by it, and not only by those who wield it'. Likewise Swaine designs her contribution to discuss violence from the perspective of those who experience it rather than those who wield it. A further ethical challenge particularly concerned the violence against women research (Swaine, Doyle and McWilliams), namely avoiding harm to research participants. Ultimately, the researchers in question adopted different responses to this challenge. Swaine opted to conduct semi-structured interviews with service providers in order to avoid potential harm to survivors of gender-based violence, while Doyle and McWilliams worked through Women's Aid to co-design the research, research protocols, participant selection, and to ensure ongoing support to participants after the research was concluded. While the gender-based violence research had the most ethical sensitivities of the gender projects, the commitment to ethical research was shared across the projects.

Fifth, as part of an aid donor-funded research programme, the gender research had a relationship both to practice and to funder, unlike much conventional academic research. As noted, DFID is a major funder of political settlements research. As such, the objective of the funding was not (only) scientific excellence, but real world application to development donors, to civil society actors in societies affected by conflict, and to policy-makers and practitioners more broadly. This unique (for many of us) feature of the research presented both opportunities and challenges. One challenge/opportunity was to communicate findings in a manner useful to a funder's (dynamic) needs. Academic writing tends to privilege complexity, nuance and fine-grained detail, while policy interventions place a premium on clarity and 'big picture' findings. A further issue to be managed in the research co-produced with research users

¹⁵ Finlay, L. (2002). 'Outing the Researcher': The Provenance, Process and Practice of Reflexivity. *Qualitative Health Research*, 12(4), 531-545.

was that the objectives and priorities of the research partner were not necessarily always identical to those of the funder. This tension is reflected on expressly by Yousuf and Close. In many respects, mediating these different relationships and priorities between practice and funder align in familiar ways with the research impact agenda of contemporary UK Higher Education. Nevertheless, the particular challenge – and opportunity – of offering ‘in-time’ advice to inform aid interventions presented a measure of *immediate practical consequence* to one’s research that was largely unfamiliar. Further, it meant imbricating one’s academic research in international development funding models that one might otherwise or elsewhere have critiqued. Such dissonance was not uniformly felt across the gender researchers.

Sixth, ‘the personal is political’ is a powerful feminist mantra, but it is also a defining tenet of feminist research design and is manifest in the Special Issue. The articles explore gender, power and inclusion at multiple levels of analysis, from the individual within the family (Doyle and McWilliams, Swaine), within immediate social networks (Marks), within women’s movements and civil society (Yousuf and Close), within peace negotiations and peace agreements, within post-agreement domestic political institutions (Mackay and Murtagh) and in international institutions (O’Rourke). Critically, the Special Issue articles draw connections across these levels of analysis that connect, for example, the experience of intimate partner violence to the ‘big-P’¹⁶ political settlement that traditionally animates the study of political settlements.

What Do We Know?

The Gendered Political Settlement

As the gender theme, we engaged also with the idea and practice of the ‘formalised political unsettlement’, principally with a view to investigating opportunities and strategies for inclusion. Nevertheless, playing with the ‘formalised political unsettlement’ idea, we saw evidence across the case studies of the maintenance of many gender norms through otherwise significant political upheaval. Thus we identified a ‘gendered political settlement’ that undergirded the formalised political unsettlement.

¹⁶ Cockburn, C. (1998). *The Space Between Us: Negotiating Gender and National Identities in Conflict*. London: Zed Books, 3.

The gendered political settlement manifested in a number of diverse though discernible ways.

Most compellingly, striking continuities in women's experiences of gender-based violence before, during and post conflict emerged from PSRP research, as well as continuities in the conservative gender norms that enabled such violence (Swaine, Doyle and McWilliams). Further, Feminist Institutionalism (FI) tells us about the 'stickiness' of gender social norms in determining how even ostensibly 'new' institutions operate. New power-sharing arrangements tend to operate along the same informal gender rules that shaped their predecessor institutions (Mackay and Murtagh). Continuities in both gender social norms and in gendered distribution of power emerged strongly also from the gender labs (Yousuf and Close).¹⁷ In addition, frameworks for conflict resolution can limit the sorts of identities that can emerge, and the potential for new identities and thus different gender social norms, a finding that emerged strongly from gender and consociationalism research (Mackay and Murtagh).

Further, implicit in the definition of 'gender perspective' offered by Bell and McNicholl and their PA-X findings is a recognition that moments of ostensible transformation are not necessarily transformative for women's inclusion:

Adopting a gender perspective involves considering how peace negotiations and peace agreements might affect the power relations between men and women. Conversely it would also involve considering how any attempt to renegotiate gender power relations in the course of negotiations, might affect the type of political settlement which the peace agreement aims to inaugurate. In this most holistic sense, a gender perspective involves an attempt to understand the ways in which any new political settlement will affect the implicit 'sexual contract' at the heart of the state. It involves asking whether the new dispensation is likely to be transformative or regressive for women and identify possible ways of ensuring that its potential for transformation is maximised. (Bell and McNicholl, this volume)

Thus the 'formalised political unsettlement' may in fact manifest as remarkably settled for women and the terms of their experience of inclusion and exclusion.

¹⁷ Close (n 10).

Gender, Peace Processes and Inclusion

One clear contribution of the Special Issue (and PSRP more broadly) has been to broaden and deepen understanding of the different spaces in which women's inclusion may manifest and may matter. As noted, the Special Issue documents the terms of women's inclusion in families (Doyle and McWilliams, Swaine), in social networks (Marks), in women's movements (Yousuf and Close), in armed groups/forces and reintegration programmes (Marks), in peace negotiations, peace agreements (Bell and McNicholl), transitional justice processes (Bell and McNicholl), post-conflict governance institutions (Mackay and Murtagh) and in interactions with international institutions (O'Rourke). Recognising these diverse spaces in which women's inclusion may manifest and matter reveals, in turn, how political settlements shape, and are shaped by, gender power relations at all levels.

Second, gender theme research revealed complicated and non-linear associations between women's presence, influence and positive gender outcomes. One illustrative case study in PSRP gender work is Nepal, in which a high female presence in the Maoist insurgency translated into very poor representation in peace talks. Nevertheless, the peace agreement was (relatively) progressive in gender terms and, in the longer-term, contributed to increased political activity and presence of women in formal politics, with more mixed outcomes in terms of gender policy.¹⁸ Findings from Nepal suggest that, even in the absence of a strong women's movement or women's presence in peace talks, actors with rhetorical commitments to gender equality may be able to deliver gains, though not uniformly.¹⁹ For any peace process, there is a need to ask: who are the actors seeking and practising (1) women's inclusion, and (2) women's equality.

Third, the gender theme identified a degree of attrition of progressive gender provisions in peace agreements in implementation, but also some chances to achieve equality gains that had not been achievable in the talks process. Thus, what was gained can be lost and what was lost can be gained.²⁰ For example, the Nepalese 2006 Interim Constitution

¹⁸ Baniya, J., Kharel, S., Thapa, D., and Ramsbotham, A. (2017). *Gender and Nepal's Transition from War*. London: Conciliation Resources.

¹⁹ See further *ibid*.

²⁰ Bell, C. (2005). Women and the Problems of Peace Agreements: Strategies for Change. In R. Coomaraswamy & D. Fonseka (Eds.), *Peace Work: Women, Armed Conflict and Negotiation*. New Delhi: Women Unlimited.

guaranteed women full citizenship rights on a basis of equality with men, while the 2015 Constitution reversed this provision.²¹ The reasons for retrenchment reflected an intersectional issue concerning Madhesi women passing on citizenship to the children of their marriages to Indian men. The experience in Nepal also illustrated the reassertion of conservative gender norms, as a stabilising force in an otherwise very volatile political environment. It is a salutary reminder that there is no necessary incompatibility between gender inequality and stability. Ultimately, apparent tensions between inclusive change and stability may require outside actors to take a normative over pragmatic stance if inclusion is to be prioritised in practice.

The potential for attrition points to the practical need for concerted efforts to 'lock-in' progressive gender provisions in the text of agreements. Importantly, the PA-X findings are instructive here: typically, gender provisions are not associated with peace agreement implementation and monitoring mechanisms which are also weak on 'inclusion'; conversely, where peace agreements include a commitment to constitutional change, there is a high likelihood that it will happen (Bell and McNicholl). These findings, both about the gendered process of attrition and patchy attention to implementation therefore point to a number of practical policy interventions to peace agreements, namely to tie gender provisions to implementation and monitoring mechanisms and to make provision for inclusive constitutional reform.

Fourth, in many ways, the Special Issue findings reaffirm the importance of peace agreement negotiations and text, as avenues for challenging gender retrenchment. Such avenues can otherwise be limited (Mackay and Murtagh). As a policy intervention, PSRP research points to the importance of building in multiple pathways and entry-points to ongoing peace processes as essential for gender inclusion, offering different pathways at different times.²²

Fifth, given the contemporary prevalence of power-sharing arrangements as the preferred negotiated response to political violence (Bell and McNicholl), deeper reflection on this aspect of the PSRP research and findings is appropriate. Bell and McNicholl usefully present four different types of power-sharing agreements, i.e.

²¹ Baniya et al. (n 18).

²² Close (n 10).

consociational, territorial, economic and military. Further, they assigned all of the agreements a 'gender score' and examined the correlation between agreements establishing power-sharing and the 'gender score'. They find that agreements that include consociational arrangements positively correlate with a high 'gender score'. This finding is perhaps surprising, when read in conjunction with Mackay and Murtagh's feminist institutionalist analysis of consociationalism in Northern Ireland, Bosnia and Burundi. Their research, while engaging with consociationalism, highlights a number of its negative effects. The findings of both Special Issue articles might therefore appear to be in tension.

In fact, however, this apparent tension reveals the real value of the multi-methods approach adopted in the PSRP gender theme. In their contribution to the Special Issue, Mackay and Murtagh examine cases of 'indefinite consociationalism'. In all three contexts, consociationalism has prevailed for several years, in some cases, decades. These contexts of indefinite consociationalism have indeed given rise to negative gender assessments, as to their patterns of exclusion of both women and gender interests.²³ By contrast, Bell and McNicholl's study reveals that the use of power-sharing in peace agreements is in fact most common in interim transitions, in conflicts with a democratisation element. The principle is to 'cobble together' an interim agreement for a power-sharing government of national unity (which typically includes all armed groups) and then, in turn, to create broader civic processes that undertake (1) significant electoral reform; (2) significant constitutional reform; and (3) transitional justice. While women may not feature prominently within the power-sharing governments of national unity, provisions within the same agreements for the associated wider civic processes interim transitions plan, will very often expressly provide for women's inclusion. These interim power-sharing arrangements, as popular though still relatively new phenomena, have not yet given rise to the same case study analysis that is reflected in scholarship. Bell has elsewhere argued that we therefore need 'a new functional account of power-sharing'.²⁴ The findings on gender inclusion from studies of indefinite consociationalism provide a valuable watchlist of areas in

²³ Byrne, S., and McCulloch, A. (2012). Gender, Representation and Power-Sharing in Post-Conflict Institutions. *International Peacekeeping*, 19(5): 565-580.

²⁴ Bell, C. (2018). Power-Sharing, Conflict Resolution, and Women: A Global Appraisal. *Nationalism and Ethnic Politics*, 24, 13-32.

which to be vigilant for those pursuing inclusive transitional power-sharing arrangements.

International Gender Equality Norms and Inclusion

Internal critique of the political settlements literature has noted a 'nationalist bias' in its methodological approach. Specifically, looking only to domestic political dynamics to explain political outcomes may eschew other actors and factors of relevance. It is significant, therefore, that gender and conflict scholarship gives considerable attention to international norms when investigating local gender dynamics and outcomes. The Special Issue reflects this pattern of taking international norms seriously, for example, in the PA-X work investigating the relationship of peace agreement practice to developments in the Security Council's Women, Peace and Security (WPS) agenda (Bell and McNicholl); or attending to the WPS agenda as a potential factor in gendered manifestations of disarmament and reintegration (Marks) and consociational governance arrangements (Mackay and Murtagh); or addressing the global dynamics of the norm against violence against women when considering local responses to gender-based violence (Swaine, Doyle and McWilliams), or an investigation of how international gender equality norms are operationalized through international institutions active on the ground in conflict-affected settings (O'Rourke).

Together, this research points to the existence of an '*inclusion norm*', captured paradigmatically in Security Council Resolution 1325 (2000), but with a clear treaty basis in CEDAW articles 7 and 8, and more oblique references under both international humanitarian law and international criminal law. The inclusion norm remains relatively weak, however, in formal doctrinal terms. Further, the norm is narrow in whom and what it captures. Principally, it pertains to women qua women and is thus weak in underpinning intersectional claims for inclusion.²⁵ In practical terms, international norms mean engaging with international monitoring institutions and mechanisms (O'Rourke). If we assess an international norm by the nature and robustness of the attendant monitoring institution and mechanism, it is quickly clear that the Security Council has struggled to align its normative commitment to women's inclusion with its

²⁵ Baniya et al. (n 18).

raison d'être of responding to threats to international peace and security (O'Rourke).²⁶ By contrast, the CEDAW Committee is continually posing the question of where women are in ongoing peace processes, as well as requiring women's inclusion.²⁷ The Committee's powers are limited, however, to move beyond recommendation and exhortation.

An important question for PSRP gender work has been determining whether, and to what extent, international law norms around gender equality and inclusion provide leverage for excluded (female) actors seeking inclusion? If so, on what basis and for what issues? The challenge for the gender and conflict literature has been in understanding why, how, and under what circumstances international norms matter to local gender outcomes. The Special Issue evidences a broad five-way typology of possible impacts. International norms can have a role in:

- (1) setting domestic agendas around conflict-resolution (Marks, Mackay and Murtagh);
- (2) underpinning women's movement mobilisation to challenge the prevailing political settlement and to find allies in other social movements (Yousuf and Close);²⁸
- (3) underpinning activities by international institutions in conflict-affected settings (O'Rourke);
- (4) informing the text of peace agreements (Bell and McNicholl); and
- (5) leveraging external interveners (Mackay and Murtagh).

²⁶ O'Rourke, C. (2019). *Women's Rights in Armed Conflict under International Law*. Cambridge: Cambridge University Press.

²⁷ O'Rourke, C., and Swaine, A. (2018). CEDAW and the UN Security Council Women, Peace and Security Resolutions: Advancing Accountability for Women's Rights in Conflict. *International and Comparative Law Quarterly*, 67(1), 167–199.

²⁸ See also O'Rourke, C. (2017). Feminist Strategy in International Law: Understanding its Legal, Normative and Political Dimensions. *European Journal of International Law*, 28(4), 1019–1045.

Gender, Violence and Inclusion

Global evidence highlights the relationship of gender-based violence against women (VAW), including intimate partner violence (IPV) in conflict settings, to the limited participation of women in social, economic and political life.²⁹ PSRP started from a premise that violence in the so-called private sphere is intimately connected to public sphere political settlement dynamics of peace processes and peace agreements, and thus to women's inclusion. The Special Issue investigates this relationship along a number of strands. First, it identifies continuities between pre-conflict violence against women and its manifestation during conflict. For example, Swaine's research reveals how many of the patterns of pre-conflict violence, such as sexualised assault by men known to women, or domestic violence, are sustained by many of the same actors. Further, though there are distinctions in how violence against women is perpetrated during the conflict, the violence is nevertheless grounded in pre-conflict societal norms that normalise VAW. Second, it explores the relationship between conflict-related violence and ostensibly 'non-conflict' violence against women. For example, conflict presents increased opportunities for state and non-state actors to enact violence due to collapse in the rule of law, as well as implicit impunity for perpetrators (Swaine).

Third, it utilises longitudinal analysis to examine continuities and disjunctures between violence against women during and after conflict. For example, in Northern Ireland, Doyle and McWilliams find that the use of firearms in IPV situations decreased as a result of the decommissioning of illegally held firearms and the regulation of legally held firearms that accompanied the peace process. Fourth, it looks comparatively at violence against women as it manifests and mutates in different conflict-settings, revealing important variations and patterns in how violence is perpetrated, by whom and in what form (Swaine). Fifth, it thinks about how gender-based violence against women in conflict may vary depending on the status of the victim. In this regard, Marks' work on the reintegration experiences of women former combatants brings valuable insights to the relationship of gender violence and inclusion.

The Special Issue adduces a number of explicit and implicit findings on the relationship of gender, violence and inclusion. Four such findings are highlighted here:

²⁹ Manjoo (n 11).

-
- (1) Gender-based violence, including intimate partner violence in conflict settings, is a practical and enduring obstacle to women's participation in public political life, including peace processes and post-conflict political institutions;
 - (2) The gender norms that permit and perpetuate gender-based violence are intimately connected to gender norms that exclude and devalue women's participation in public life and formal peace processes (Doyle and McWilliams). For example, conservative views in a society that stigmatise female victims of intimate partner or sexual violence, present a significant barrier to accessing support and ultimately achieving gender inclusion at all levels;
 - (3) For women, a history of direct involvement in conflict violence may underpin their marginalisation and exclusion from post-conflict political life and institutions. These dynamics tends to be different for men, who can more successfully transition from combatant roles to political and community leadership (Marks);
 - (4) 'Inclusion' should be defined broadly in relation to gender-based violence, to include the responses of transitional and post-conflict institutions. For example, findings from Liberia and Timor Leste indicate that transitional justice processes failed to ensure women's inclusion in their design and operation, even though their participation and hearing their experiences is linked to efforts to acknowledge and redress conflict-related violence against women (Swaine). By contrast, findings from Northern Ireland evidenced a positive trajectory in the capacity of the post conflict police force to respond to domestic violence against women, including the greater presence of women within justice institutions (Doyle and McWilliams).

Why Does It Matter?

We view the collective insights gleaned from the PSRP gender theme research – and reflected in this Special Issue – as making important contributions both to the established body of work on political settlements and to gendered analysis of conflict and peacebuilding. For political settlements, PSRP gender work is most significant in drawing attention to the importance of (a) those perceived to be 'non-elites' (b) the private, and (c) the international, in shaping political settlements. Fundamentally, the

research exposes the gendered and gendering nature of political settlements. Further, we see the political settlements framework as a potentially useful tool to scholars of gender and conflict seeking to connect the 'big-P' political dynamics of peace processes and agreements to the micro gendered experiences of conflict and its resolution. The political settlements framework, when used well, offers value in thinking across these different levels of analysis. At a policy level, both the UN and World Bank are now focusing on 'inclusion' as central to conflict prevention and as a means to supporting successful peace processes.³⁰ Often, however, the nature and terms of inclusion are not specified in such policy commitments. Our work contributes to these policy developments by bringing greater clarity, definition and depth to 'inclusion' as a policy goal, and its gendered implications.

³⁰ United Nations and World Bank. (2018). *World Development Report, Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Washington DC: World Bank.
