

Impact Case Study

UoA 20: Law

Gender, Conflict and Transition

1. Summary of the impact: TJI's work on gender, conflict and transition demonstrates remarkable international impact, showing effects and benefits to institutional norms and policies, civil society positioning and legal enforcement at the state level. Knowledge transfer provided by TJI research has influenced changes in policy and legal change in the legal regulation of gender norms in conflict and post-conflict settings. Debates triggered by TJI scholarly outputs have shaped policy agendas and critical responses to them. The impact is regional, national and international.

2. Underpinning research: Research Context

Conflict and repression produce profound and distinct suffering for women, but historically their needs and experiences were rarely addressed in political transitions. Sustained international exposure of systematic gender harms during the Balkan wars of the 1990s gave rise to strategic feminist interventions aimed at redirecting international criminal law and the law of armed conflict to reveal and criminalise sexual violence in conflict situations. In parallel, given women's sustained marginalisation from political power, feminists sought to ensure opportunities were created to address and integrate gendered experiences directly in peace negotiations and transitions.

The field of transitional justice (TJ) emerged with little conceptual or practical concern for women's rights and experiences. In the past decade, led by TJI scholars, gender analysis of transitional justice broadly framed as well as of conflict, transition and reconstruction has blossomed. TJI scholars have deepened their vision of gendering transitional justice addressing other harms, such as the impact of conflict on family relationships, and socioeconomic harms. TJI maintains the strongest group of internationally recognised scholars researching the intersection of gender, conflict and transition. TJI was the first scholarly and policy entity to integrate gender systematically into TJ analysis and practice, making it an intellectual and policy leader in the global development of the field. TJI scholars have led a field reorientation exploring the gender dimensions of the design, operations and impact of key TJ mechanisms (e.g. trials, truth commissions, reparations, institutional reform). These research concerns are increasingly being reflected in national and international policymaking, evidenced by the growing number of UN Security Council resolutions (e.g. 1325) relating to women's experiences of conflict and transition.

Since its creation in 2003 TJI has addressed gender and post-conflict issues in Northern Ireland through sustained engagements with the women's sector. Staff (Rooney, McWilliams) have been leading scholars, feminist/women community activists and policy advocates in the Northern Ireland non-governmental organisation (NGO) sector for decades. TJI builds on the relationships and knowledge base of these individuals to bring a new generation of scholars into praxis relationships with the sector (e.g. O'Rourke, Moyo). TJI has organised and participated in conferences, educational events, information sharing and policy planning processes addressing the post-conflict environment including: truth recovery, institutional reform, reproductive rights, and gender-based violence (GBV). We enable connectivity and provide policy solutions to the women's sector through collaborative and sustaining partnerships. Partners include Hanna's House, the Women's Resource and Development Agency, and the Northern Ireland Women's Aid Federation. TJI's Annual Gender Summer School has also been a key mechanism to transmit TJI research to local and international activists and to build capacity within the local sector.

Impactful Research Insights

TJI research on gender, conflict and transition has produced multiple, influential research insights on the nature of the harms experienced by women during conflict, the continuities of harms that endure into the transitional period, and the ways in which women should be involved remedying

harms and preventing their repetition. For example, McWilliams’ (with McKiernan) 1993 study of domestic violence during the NI conflict provides the only comprehensive empirically based scholarly analysis in any conflict /post-conflict setting of the relationship between armed actors, conflict violence and intimate violence. New work by McWilliams & Ní Aoláin (2013) updates and reframes earlier studies by accounting for the transitional dimensions of intimate partner violence. Hamber’s work on masculinity presented nuanced understandings of how masculinities arise in transitional states, identified the relationships between violent masculinities produced through conflict and the continuities of violence experienced by women in transition.

In their systematic analysis of peace agreements Bell & O’Rourke documented references to women in peace agreements, finding persistent historical absence but identifying that UN Security Resolution 1325 had triggered improvements. This finding informed debates on the effectiveness of UN Security Council resolutions and it cast light on barriers to UNSC effectiveness. O’Rourke’s monograph comparatively addresses women’s engagement and exclusion in advocacy, agitation and representation illustrating the gender gap in many TJ processes. Her comparative insights on reparations practices sharpen feminist approaches to reparation in post-conflict sites. Ní Aoláin’s (with Haynes and Cahn) *On the Frontlines* contends that addressing women’s needs after conflict is fundamental to ensuring sustainable peace. The authors propose concrete recommendations going beyond gender mainstreaming towards ‘gender centrality’ in peace making and peace enforcement. This novel concept emphasises that women’s needs, equality and autonomy must be at the centre of peacebuilding measures from beginning to end of conflict ending processes.

Outline of Underpinning Research

McWilliams has a long-standing scholarly and practitioner engagement with intimate partner violence and women’s rights. Among her publications on these themes, her 1993 study draws a comprehensive empirical analysis and was commissioned by the Department of Health and Social Services and remains the empirical benchmark in the field. Recent work with Ní Aoláin (2013) analyses qualitative data from interviews conducted in 2009-12. Hamber’s long-term research on masculinity resulted from an underpinning multi-country study (Northern Ireland, Lebanon and South Africa) addressing the role of women and men in post-conflict society by examining the gendered meanings of security. O’Rourke’s monograph addresses the women’s movement in sustained comparative perspective (Chile, Colombia and NI). Her work with Bell on peace processes provides gender analysis of negotiations and outcomes for women based on a comprehensive database (188 treaties coded and analysed), which formed part of a more extensive and long-term project on peace agreements. Ní Aoláin’s research is resoundingly comparative, drawing on extensive (10 country) site analysis and infused with a strongly theoretical approach, bringing mainstream feminist theorising directly to the post-conflict arena.

Details of Key Researchers

Key Researchers	Position at time of research	Dates of Joining or Departing
Hamber, B.	Professor	Joined 2007
McWilliams, M.	Professor	Joined 1978
Ní Aoláin, F.	Professor	Joined 2000
O’Rourke, C.	Lecturer and Senior Lecturer	Joined 2009

3. References to the research

1. Ní Aoláin, F., Haynes D. & Cahn, N., *On the Frontlines: Gender, War and the Post Conflict Process* (OUP, 2011) ISBN 978-0195396652
2. Hamber, B. ‘Masculinity and Transition: Crisis or Confusion in South Africa’ (2010) 5(3) *Journal of Peacebuilding & Development* 75-88, DOI:10.1080/15423166.2010.121687238771
3. McWilliams, M. & McKiernan, J., *Bringing It out in the Open: Domestic Violence in Northern Ireland: Study Commissioned by the Department of Health and Social Services* (HMSO 1993)
4. McWilliams, M. & Ní Aoláin, F. “‘There is a War Going on You Know’”: Addressing the Complexity of Violence Against Women in Conflicted and Post Conflict Societies’ (2013) 1(2)

- Transitional Justice Review 4-44, DOI 10.5206/tjr.2013.1.2.2
5. Bell, C. & O'Rourke, C. 'Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and Their Agreements' (2010) 59(4) International Comparative Legal Quarterly 941-980 DOI: 10.1017/S002058931000062X
 6. O'Rourke, C., Gender Politics in Transitional Justice (Routledge, 2013) ISBN 978-0415826341

Evidence of Quality: Ní Aoláin ranks in the top 1.6% of all SSRN authors, in a field of 236,255 authors based on 3,919 total downloads. On the Frontlines was nominated for 2013 Grawemeyer Award for Ideas Improving World Order. Robina Foundation supported underpinning research and dissemination to policymakers (US\$100,000). It was reviewed in Yale J. Int'l. L; Nordic J. Int'l. L; Int. J. Transitional Justice; & see IntLawGrrls blog 'New Book is a "Game Changer"' (21 Dec 2013). Ní Aoláin is the first listed author signifying her primary authorship role. Hamber's underpinning research entitled Discourses in Transition was ESRC funded (2006). McWilliams' 1993 study funded by Dept. of Health and Social Services. It was reviewed in Books Ireland No 179 (1994) and Child Care in Practice (1994). It has 99 citations on Google Scholar. McWilliams and Ní Aoláin's article supported by a British Academy Small Grant Award 2011 (£7,323) & a Fellowship, Institute of Advanced Studies, Jerusalem 2012. O'Rourke and Bell's has 20 Google Scholar citations, and was the basis for 2011 Annual Lecture of the British Institute of Int'l and Comp. Law. O'Rourke's research received funding from Society for Latin American Studies, & the Basil Chubb Award Prize by Political Studies Association (2010).

4. Details of the impact: As demonstrated below, TJI's gender research has contributed to the work of United Nations bodies, national government departments and local and international civil society organisations. Many of these impacts have been achieved through sustained engagement with our research users and through consultancies, policy advice, translating our scholarly outputs into training materials or guidelines. Our research & policy relationships locally and internationally are long-term, consistent and sustained. Illustrative examples demonstrate multi-layered impact.

Shaping UN Policy Making on Conflict and Gender

The UN Secretary General's Office, UN Women and CEDAW Committee reach out to TJI scholars for expert knowledge and rely on their scholarly expertise. Key policy recommendations driven by TJI's collective gender research expertise included: gender 'centrality' in reparations, a broad understanding of sexual harms as forming the basis for reparations, and linking reparations with gendering truth and accountability processes. Engagements have occurred in the following ways:

- 2002-6 Ní Aoláin was appointed as expert to the UN Division for the Advancement of Women (with Secretary-General confirmation). In this role she was a contributing author to a thematic report on equal participation of women in conflict prevention, management and conflict resolution in post-conflict peace-building. Since 2010: a member of the UN Roster of Experts.
- 2011-13 Three TJI scholars (Ní Aoláin, O'Rourke & Swaine) led a UN Study on Reparations for Conflict-Related Sexual Violence (2011-13) commissioned by UN Women and OHCHR. This project drew on Ní Aoláin's role as an expert, plus O'Rourke's comparative reparations expertise and Swaine's experience of working for the UN in diverse conflict sites including Kosovo, Burundi, Timor-Leste and Darfur, Sudan (1999-2006). The study frames a UN wide system-guidance note setting the approach of agencies, field officers and key decision makers to reparations and GBV. The Study required consistent interface with UN agencies and field offices in conflict sites, providing expert advice and guidance on a range of post-conflict gender issues over a two-year period. Users are UN officials at Headquarters and field office levels, with beneficiaries being the victims of conflict-related sexual violence in multiple sites. Valji notes that UN Women use 'the Study to produce Guidelines for use in the field by UN Women and OHCHR in respect to the management of reparations for conflict-related sexual violence. From the UN perspective, such Studies and Guidelines

constitute authoritative legal standards'. All three scholars remain in close contact with UN Women on the content and operation of the Guidelines (Swaine as in-house consultant post completion of her doctoral research at TJI). Valji also confirms that research connecting intimate and conflict violence by McWilliams & Ní Aoláin (2013) has been widely shared and is being deployed by UN Women.

- The influential 2010 Women's Participation in Peacebuilding: Report of the Secretary-General setting out the UN System's Seven-Point Action Plan on Gender-Responsive Peacebuilding cites and relies directly on Bell and O'Rourke's formative empirical study. Report's commitment section draws un-amended on the underpinning research. 2010: Bell engaged directly with UN Women & spent time in residence at UN NY Headquarters to enable the Report's completion.
- The influence of TJI Scholars on the CEDAW Committee's General Comment No 30 (2013) (GC) has been substantial. The GC establishes CEDAW's judicial approach, setting legally binding international standards regarding women's rights in armed conflict and afterwards. In advance of the GC being issued, the CEDAW Committee issued a Concept Note (2011). Bell and O'Rourke were invited to submit a framing memorandum drawing on their conflict and post –conflict research. Ní Aoláin was requested to make her gender and conflict publications generally available to all CEDAW Committee Members. Three academic sources are identified in the concept note; (Ni Aoláin, Bell & O'Rourke). The concept note was then widely consulted upon by the CEDAW Committee in regional meetings (Asia, Africa, Europe and Latin America) with governments and women's rights activists. Ní Aoláin had sustained communication with the General Comment author throughout 2012-2013. The General Comment adopts key insights from TJI gender research including the connections between intimate and conflict-related violence, the relationship between gender inequality and gender violence in conflict settings, the modalities of engaging women's leadership in peacemaking, and the required applicability of gender norms to non-state actors. Users are states, individuals and institutions.

TJI is in the process of sustaining and formalising its relationship with the UN through a Memorandum of Understanding with UN Women to enable sustained synergy and exchange.

Training International Practitioners working on the Gender and Conflict Interface

Producing training materials and conducting training sessions for practitioners is an established practice for all areas of TJI research. Some examples with respect to TJI gender research are:

- Ní Aoláin provides ongoing consultancy advice to Office of Conflict Management and Mitigation (OCM) of USAID/DCHA (US government agency supplying humanitarian assistance to conflict and post-conflict countries) on the interface of programming with post-conflict gender analysis. Ní Aoláin's research assisted in the design of training and guidance for USAID officers overseeing assistance in post-conflict states. OCM training is benchmarked internally against Ní Aoláin's models by those policy makers addressing post-conflict gender issues. OCM attest to sustained use of On the Frontlines 'in all USAID's gender-related policies' particularly as they are operationalised to give support to field offices. OCM confirm adoption of the 'gender centrality' approach conceptualised in On the Frontlines to address gender needs in post- conflict settings.
- Hamber has a sustaining relationship with the Swiss Federal Dpt. of Foreign Affairs, specifically the Human Security Division on issues of Dealing with the Past and the Prevention of Atrocities. He has given advice, engaged in training and provided expertise. His masculinities research has had particular influence, framing the approach of the division to addressing the gender terrain of post conflict reconstruction and its multi-lateral decisions as a donor state.

Gender and Conflict in Northern Ireland: Transforming Conflict and Intimate Violence

TJI staff have long influenced practice and policy with regard to women's lives in NI. McWilliams was and remains the key intellectual and policy figure in the women's movement, conceptualising and

devising policy through multiple and overlapping roles. McWilliams' (1993) study has been pivotal to the discourses and practice related to domestic violence in NI. Her leadership roles, directly integrating GBV, gendered truth and gendered security research to shaping political and policy agendas: co-founder of NI Women's Coalition, member of multiparty negotiations for NI Peace Agreement, Chief Commissioner NIHRC, member Prison Reform Security Panel 2011. McWilliams was short-listed as UN Special Rapporteur on Transitional Justice in 2012, indicative of broad national and international research/policy influence. McWilliams' ability to translate academic research into policy imperatives was enabled by holding pivotal institutional roles from 1996 onwards. Among the impacts of her research on policymakers in Northern Ireland: informing the PPS in developing its Policy for Prosecuting Cases of Domestic Violence in 2006 and its ongoing reform on victim-centred justice. In addition, the current Director of the Department of Justice Northern Ireland confirms the influence of McWilliams' prior and current research on the Courts and Tribunal service in the jurisdiction as regards their approach to the prosecution of domestic violence and its conflict dimensions. McWilliams advances implementation of her research findings on intimate and conflict violence with police, prosecution, and probation services in NI through direct engagement, consultation, as well as directly facilitating local women's NGOs positioning.

5. Sources to corroborate the impact

1. Women's Participation in Peacebuilding: Report of the Secretary-General (2010)
2. Report to Office of the High Commission on Human Rights and UN Women on *Reparations for Conflict Related Sexual Violence* (2012)
3. Letter from Nahla Valji Program Director, Rule of Law and Transitional Justice, UN Women
4. CEDAW Committee General Comment 30 (2013)
5. Bell & O'Rourke's Concept Paper
<http://www2.ohchr.org/english/bodies/cedaw/WrittenContributions2011.htm>
6. Letter from Senior Public Prosecutor for the Public Prosecution Service in Northern Ireland
7. Letter from Director, Department of Justice NI
8. USAID Training Manuals
9. Letter by Conflict Analyst, Office of Conflict Management and Migration USAID
10. Letter from Head of the Task Force on Dealing with the Past and the Prevention of Atrocities, Swiss Federal Dpt. Of Foreign Affairs