

# QUEERING INTERNATIONAL LAW: MAKING ROOM FOR REBEL GOVERNANCE AND NON-STATE ARMED GROUPS

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## I. INTRODUCTION

Some queer theorists have made tentative peace with the state's obligations to provide protection for individuals. For such theorists, not only can international law force states to respect the rights of those it might otherwise fail, queering international law might encourage the expansion of or a more radical approach to such rights. In this piece, I suggest one additional step. I extend the project of queering international law beyond the state to include non-state governance. Across the globe, the formal state recognized by the international legal system is not the only locus of state-like power and in many instances, not the locus at all. Simultaneously accepting the ways in which rebel governance affects the daily lives of women subject to its will as well as the possibilities for a queer international law path to influence non-state actors' exercise of that power addresses an important gap that affects millions of women.

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Thus, I investigate how international law might mediate non-state governance and non-state armed groups respect or lack thereof for women's rights. I explore how "queering" that international law might operate through the example of Geneva Call's Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and Towards the Elimination of Gender Discrimination ("Deed"). In this setting, a queer discourse might be reflected not only in rebel courts or other judicial bodies interpreting and referencing international law, but also in the outreach, training, and drafting of codes of conduct incorporating international law. Simultaneously, this Deed's call for the incorporation of women in rebel government and its embrace of individual anti-discrimination rights provide additional avenues for queer inflected perspectives even as it reflects some gender binaries.

In Part II, I briefly draw on *Queer Approaches*<sup>1</sup> to address how a queer international law made by and for states might approach women and their rights. In Part III, I introduce rebel governance. Rebel non-state entities are of increasing interest to international law (and vice versa) as they often perform state-like functions including the protection of a heterogeneous population through the provision of individual rights. In Part IV, I quickly outline some ways international law currently interacts with rebel governance and non-state armed groups engaged in armed conflict. I then conclude by turning back to queer theorists to help understand the liberatory potential of as well as constraints upon the Deed to move non-state armed groups toward a queer protection of women's rights in the areas of sexual violence and women's participation in governance.

## II. QUEER APPROACHES TO INTERNATIONAL LAW

In *Queer Approaches*, scholar Edoardo Stoppioni focuses on the relationship between queer theory and feminism with a particular emphasis on how queer theory first avoided and then tentatively embraced theorizing the state and law. He begins with Judith Butler's anti-foundationalist approach to the subject as a move to help queer individuals understand themselves and to offer a perspective on the violence of a repressive society. Stoppioni then notes Butler's turn towards a willingness to entrust states or at least accept that states have in fact been entrusted with the core of the protection of individuals.<sup>2</sup> Given concerns about state willingness to do so, he observes that, "[i]nternational law has strong potential to prevent any State from acting outside the law (with references to its obligations to protect its citizens

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1. See Edoardo Stoppioni, *Queer Approaches*, in THE OXFORD HANDBOOK OF WOMEN AND INTERNATIONAL LAW (J. Jarpa Dawuni, Nienke Grossman, Jaya Ramji-Nogales, & Hélène Ruiz Fabri eds., 2025).

2. *Id.* (discussing Butler as using Hannah Arendt "to theorize the State as an entity that must protect the heterogeneity of its population").

and other populations).” He suggests an attentive reading of the evolution of Butler’s works can “identify paths to queer international (human rights) law . . . that in building a queer philosophy of the human, there is a shift to focus on ‘the idea of liveability.’ In doing so, it ameliorates the crushing of the constraining, indeed tragic conditions of power and conscience.”<sup>3</sup> Focusing on the state, rights, and international law can help us understand “how power can dignify lives that would otherwise be categorized as abject”<sup>4</sup> while application of queer theory in particular might avoid the pitfalls of some feminist tropes and help us reach a “deeper comprehension of the potential of queering international law’s attitude toward women and their rights.”<sup>5</sup>

Queer scholars such as Dianne Otto,<sup>6</sup> Brenda Cossman,<sup>7</sup> Darren Rosenblum,<sup>8</sup> and Damien A. Gonzalez Salzberg have already recognized the potential of queering international law while “retaining a critical awareness of the regulatory power of legal rights.”<sup>9</sup> Queer theorists have discussed how subjects of international law might queer legal categories and concepts in order to challenge binary thinking on identity, to advance the interests of queer individuals,<sup>10</sup> and more broadly identify how “power and oppression are naturalized and normalized through law.”<sup>11</sup>

I take these observations as a jumping off point to explore how international law can motivate and regulate non-state governance entities and the related non-state armed groups that exercise often exclusive state-like power over populations estimated between 60 to 80 million people worldwide.<sup>12</sup> A queer international law ought to recognize both the existence of such rebel governance and the facts on the ground in

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3. *Id.*

4. *Id.*

5. *Id.* Admittedly, this approach may lack some of the more radical possibilities of queering international law. Teemu Ruskola, *Review of Queering International Law: Possibilities, Alliances, Complicities, Risks*, 112 AM. J. INT’L L. 540, 541–42 (2018).

6. See Dianne Otto, ‘Taking a Break’ from ‘Normal’: Thinking Queer in the Context of International Law, 101 PROC. AM. SOC’Y INT’L L. ANN. MEETING 119 (2007); see also QUEERING INTERNATIONAL LAW: POSSIBILITIES, ALLIANCES, COMPLICITIES, RISKS (Diane Otto ed., 2018).

7. Brenda Cossman, *Gender Performance, Sexual Subjects and International Law*, 15 CANADIAN J. L. & JURISPRUDENCE 281 (2002).

8. Darren Rosenblum, *Unsex CEDAW, or What’s Wrong with Women’s Rights*, 20 COLUMBIA J. GENDER & L. 98 (2011).

9. DAMIAN A. GONZALEZ-SALZBERG, SEXUALITY AND TRANSSEXUALITY UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS: A QUEER READING OF HUMAN RIGHTS LAW 21–22 (2019).

10. Samuel Ballin, *Four Challenges, Three Identities and a Double Movement in Asylum Law: Queering the “Particular Social Group” after Mx M*, 49 AUSTRALIAN FEM. L. J. 141, 141–157 (2023).

11. DIANNE OTTO & EMILY JONES, QUEERING INTERNATIONAL LAW (2023).

12. As of 2020, non-state armed groups exclusively controlled the territory of an estimated 60 to 80 million people. ICRC *Engagement with Non-State Armed Groups*, 102 INT’L REV. RED CROSS 1087, 1088 (2021).

which non-state actors may lack suitable protection rules and norms and the formal state may lack the ability to force them to do so.<sup>13</sup>

What protections might a queer international law offer to “women” or queer individuals or really any individuals governed by non-state armed groups? This question is a vast one, so in this short piece, I will focus on a more discrete question and invite others to continue the conversation. How might a queer international law view the possibilities and problems raised in the Deed?

### III. REBEL GOVERNANCE

Before addressing the Deed, I want to familiarize readers with rebel governance and the existence of non-state armed groups that may engage in it. Rebel governance is the “set of actions insurgents engage in to regulate the social, political, and economic life of non-combatants during war.”<sup>14</sup> Rebel governance takes many forms including legal systems.<sup>15</sup> While states are deeply skeptical of the legitimacy of such behavior, in some instances, “Rebel governance can actually help preserve social order in armed conflict as well as protect civilians from violence by regulating and institutionalizing life.”<sup>16</sup> Empirical evidence reveals that some civilian populations prefer rebel governance to the state even when they do not share the ideology of the rebels.<sup>17</sup> Some rebel governance incorporate the civilian population into decision-making as opposed to simply governing it,<sup>18</sup> though most do not have a “proper legislative

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13. Jerome Drevon & Irene Herbert, *Engaging Armed Groups at the International Committee of the Red Cross: Challenges, Opportunities and Covid-19*, 102 INT'L REV. RED CROSS 1021, 1022–23 (2021).

14. Ana Arjona et al., *Introduction*, in REBEL GOVERNANCE IN CIVIL WAR 1, 3 (Ana Arjona, Nelson Kasfir, & Zachariah Mampilly eds., 2015).

15. One study shows about 30% of the non-state armed groups engaged in non-international armed conflicts created legal systems. Hyeran Jo & Niels H. Appeldorn, *Shadowland Strategy: How Non-State Armed Actors Navigate between National Laws and International Law*, in ARMED GROUPS AND INTERNATIONAL LAW 120, 126 (Katherine Fortin & Ezequiel Heffes eds., 2023) (discussing their calculations “based on the data from the Quasi-State Institutions Data Set”). Another study shows similar results finding between 25 and 35 percent of non-state armed groups in a dataset of 127 civil wars had laws and legal enforcement mechanisms such as courts and police. REYKO HUANG, *THE WARTIME ORIGINS OF DEMOCRATIZATION: CIVIL WAR, REBEL GOVERNANCE, AND POLITICAL REGIMES* 55 (2016).

16. Alessandra Spadaro, *Rebel Rulers and Rules for Rebels: Rebel Governance and International Law*, in ARMED GROUPS AND INTERNATIONAL LAW: IN THE SHADOWLAND OF LEGALITY AND ILLEGALITY 167, 168 (Katherine Fortin & Ezequiel Heffes eds., 2023).

17. *Id.* at 172 (citing the example of the Ethnic Armed Organizations as a dispute resolution system in Myanmar and the people’s courts in rural areas of Nepal).

18. Nelson Kasfir, *Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes*, in REBEL GOVERNANCE IN CIVIL WAR 35 (Ana Arjona et al. eds., 2015).

branch.”<sup>19</sup> Whether one views such governance as legitimate, the European Court of Human Rights has, in my opinion correctly, acknowledged that “it is in the interest of those living under *de facto* regimes that rebel governance institutions emerge.”<sup>20</sup>

Non-State Armed Groups (NSAGs) who engage in rebel governance often perform a variety of state-like activities such as,

providing security from violence; developing educational and health facilities; establishing a system of food production and distribution; allocating land and other resources to provide opportunities for civilians to engage in livelihood activities; providing shelter to the displaced; regulating market transactions; taxation of civilians and commercial actors; [and] resolving civil disputes and addressing other social problems that commonly accompany situations of internal war.<sup>21</sup>

They record birth and marriage registrations.<sup>22</sup> They manage electricity, roads, sanitation, and transportation systems.<sup>23</sup>

In generating laws, NSAGs “regulate the behavior of civilians living in the territory under their control by sanctioning certain activities and by imposing or prohibiting certain religious practices.”<sup>24</sup> To take just two examples, both the Communist Party of Nepal-Maoist and the Sudan People’s Liberation Movement Army developed laws and regulations for the domestic population they governed.<sup>25</sup> Some rebel groups such as the Tamil Tigers and the National Transitional Council of Libya borrowed liberally from existing domestic law of the state,<sup>26</sup> while others prefer to look elsewhere for models and guidance. In this next section, I discuss international law as one of those possible sources.

#### IV. INTERNATIONAL LAW, REBEL GOVERNANCE, AND NON-STATE

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19. Ezequiel Heffes, *From Law-Taking to Law-Making and Law-Adapting: Exploring Non-State Armed Groups’ Normative Efforts*, in ARMED GROUPS AND INTERNATIONAL LAW: IN THE SHADOWLAND OF LEGALITY AND ILLEGALITY 191, 194 (Katherine Fortin & Ezequiel Heffes eds., 2023) (noting that such institutions did exist in the Autonomous Administration of north-east Syria and the FARC in Colombia).

20. Spadaro, *supra* note 16, at 190.

21. Zachariah Mampilly, *Insurgent Governance in the Democratic Republic of the Congo*, in INDUCING COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW: LESSONS FROM THE AFRICAN GREAT LAKES REGION 44 (2016).

22. Katherine Fortin, *Exploring the Civilian and Political Institutions of Armed Non-State Actors under IHL in an Age of Rebel Governance*, in ARMED GROUPS AND INTERNATIONAL LAW: IN THE SHADOWLAND OF LEGALITY AND ILLEGALITY 140, 141 (Katherine Fortin & Ezequiel Heffes eds., 2023).

23. Marta Furlan, *Understanding Governance by Insurgent Non-State Actors: A Multi-Dimensional Typology*, 22 CIVIL WARS 478, 483 (2020).

24. Spadaro, *supra* note 16, at 170.

25. Heffes, *supra* note 19, at 197.

26. *Id.*

**ARMED GROUPS: QUEERING THE DEED OF COMMITMENT FOR  
THE PROHIBITION OF SEXUAL VIOLENCE IN SITUATIONS OF  
ARMED CONFLICT AND TOWARDS THE ELIMINATION OF GENDER  
DISCRIMINATION**

While NSAGs may not currently participate in formal international law creation, international law may govern the activities of those groups. To take just one set of examples, International Humanitarian Law (IHL) creates numerous obligations for NSAGs under Common Article III of the Geneva Convention, Additional Protocol II of the Geneva Conventions, and customary IHL. For over a decade, the International Committee of the Red Cross has prioritized engaging NSAGs on IHL compliance.<sup>27</sup> While the traditional approach to international human rights law is to view this body of law as only governing state behavior, some international bodies have started applying human rights treaties to NSAGs.<sup>28</sup> The UN Rapporteur has recognized NSAG human rights obligations and the UN has invited a report discussing the content of NSAG apologies for human rights violations.<sup>29</sup>

In addition to how formally crafted international law might bind and provide accountability for NSAGs, some NSAGs choose to affirmatively engage with and bind themselves to international law. UN action plans provide one such approach. These plans allow NSAGs to sign a commitment to undertake specific steps to remedy grave violations of international law such as those committed against children in armed conflict.<sup>30</sup> Geneva Call provides another mechanism for NSAGs to bind themselves to international law. Geneva Call, an international humanitarian organization, works with NSAGs to improve their compliance with humanitarian norms and principles in service of enhancing civilian protection.<sup>31</sup> Geneva Call is active in 14 states and has reached out to 54 NSAGs. It works directly with NSAGs to: prepare them for compliance, sign deeds that incorporate international humanitarian law obligations, and assist in implementation and dissemination of commitments as well as monitor adherence. It provides training on the concepts, international law, and deed of requirement commitments as well as how to move those commitments into policies

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27. *Respect for IHL*, International Committee of the Red Cross, <https://www.icrc.org/en/law-and-policy/respect-ihl> (last visited June 4, 2025).

28. LIESBETH ZEGVELD, *THE ACCOUNTABILITY OF ARMED OPPOSITION GROUPS IN INTERNATIONAL LAW* 46–48 (2002).

29. Kieran McEvoy et al. (Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence), *Apologies in transitional justice (invited report for UN Special Rapporteur on Transitional Justice)*, U.N. Doc. A/74/147 (Jul. 12, 2019).

30. *Action Plans*, OFF. SPECIAL REPRESENTATIVE OF THE SEC'Y-GEN. CHILD. & ARMED CONFLICT, <https://childrenandarmedconflict.un.org/tools-for-action/action-plans> (last visited June 4, 2025).

31. *Protecting Civilians in Armed Conflict*, GENEVA CALL, <https://www.genevacall.org> (last visited June 4, 2025).

and practices. Such training continues with review of ongoing practices and behaviors. In so doing, Geneva Call also engages with local civil society organizations to enhance understandings of local conditions and assist with compliance.

About 20 percent of NSAGs explicitly pledge compliance with International Humanitarian Law.<sup>32</sup> These promises range from promises to comply with the Geneva Conventions,<sup>33</sup> to abstaining from targeting civilians, to renouncing the use of child soldiers and anti-personnel landmines.<sup>34</sup> NSAGs do so for a complex variety of motives: to garner favor with possible international allies and the international community more generally; to access external material resources such as aid, weapons,<sup>35</sup> material resources, and training;<sup>36</sup> to enhance their position in peace talks; to demonstrate their future to be a compliant state;<sup>37</sup> to improve domestic legitimacy for governance and taxation reasons; to ease recruitment woes; and to generally increase support for their desired outcomes as well as to control and discipline fighters.<sup>38</sup> In this final section, I look at one such commitment in order to assess its queer potential.

#### ***A. Introducing the Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and Towards the Elimination of Gender Discrimination***

Geneva Call consulted with academics, practitioners and NSAGs before launching the Deed in 2012. NSAGs signing this deed affirm international law's prohibition of all forms of sexual violence by committing to a ban on sexual violence, the undertaking of all feasible measures to prevent and respond to sexual violence, and the provision of necessary services to victims. Signatory NSAGs also commit to

32. HYERAN JO, COMPLIANT REBELS: REBEL GROUPS AND INTERNATIONAL LAW IN WORLD POLITICS (2015).

33. Tanisha M. Fazal, *Rebellion, War Aims & the Laws of War*, 146 DAEDALUS 71, 73 (2017) (citing example of 1991 public commitment of the National Democratic Front of the Philippines).

34. STEFANIE HERR, BINDING NON-STATE ARMED GROUPS TO INTERNATIONAL HUMANITARIAN LAW 5-7 (2010).

35. FIONA TERRY, CONDEMNED TO REPEAT? THE PARADOX OF HUMANITARIAN ACTION (2002); R. Joseph Huddleston, *Foulweather Friends: Violence and Third Party Support in Self-Determination Conflicts*, 65 J. CONFLICT RES. 1187 (2021).

36. Bridget L. Coggins, *Rebel Diplomacy: Theorizing Violent Non-State Actors' Strategic Use of Talk*, in REBEL GOVERNANCE IN CIVIL WAR 98 (Ana Arjona et al. eds., 2015).

37. Fazal, *supra* note 33, at 71.

38. ANNYSSA BELLAL ET AL., FROM WORDS TO DEEDS: A STUDY OF ARMED NON-STATE ACTORS' PRACTICE AND INTERPRETATION OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS NORMS: RESEARCH AND POLICY CONCLUSIONS 18 (2022) (describing interviews with FARC-EP, MNLA, and Taliban); LUKE MOFFETT, REPARATIONS AND WAR: FINDING BALANCE IN REPAIRING THE PAST 141 (2023).

broader anti-discrimination initiatives such as undertaking measures to guarantee equal protection under the law, equal enjoyment of rights and remedies, and equal access to health care and education.<sup>39</sup> The deed also requires signatories to provide “increased participation and involvement of women in our decision-making processes at all levels.”<sup>40</sup> Several NSAGs have signed and Geneva Call is actively engaging other groups for future agreement.<sup>41</sup>

While no comprehensive study on compliance exists, some early anecdotal evidence suggests reason for optimism. As part of their interactions with Geneva Call, some NSAGs have incorporated representation quotas into their internal regulations. The Karen National Union/Karen National Liberation Army (KNU/KNLA) provided guidance in their army acts including bans on sexual violence and established disciplinary measures in anticipation of their 2013 signature.<sup>42</sup> Others broached the topic at peace negotiations in reference to the relevant State’s noncompliance. Two NSAG signatories in the Democratic Republic of Congo turned over fifty-three alleged perpetrators of gender-based violence to state authorities.<sup>43</sup> Some civil society organizations in signatory NSAG territory report decreasing rates of sexual violence.<sup>44</sup> Of course, these early reports ought not take the place of rigorous empirical analysis, but

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39. *Id.*

40. *Id.*

41. Aurélie Lamazière, *Engaging Armed Non-State Actors on the Prohibition of Sexual Violence in Armed Conflict*, HUMANITARIAN PRAC. NETWORK (Feb. 12, 2014), <https://odihpn.org/publication/engaging-armed-non-state-actors-on-the-prohibition-of-sexual-violence-in-armed-conflict> (discussing five Iranian Kurdish groups, two in Myanmar, one in the Philippines, who have signed), Heidi Stallman & Falak Hadi, *Gender Inclusion and Rebel Strategy: Legitimacy Seeking Behavior in Rebel Groups*, 62 INT’L POLS. 291 (2024) (describing how one group, the Karen National Union, referenced its signature to deed as part of its desire to delist with the UN and expand its relationships with international bodies); Chinland Guardian, *Chins Affirm Geneva Call on Sex Crimes, Child Protection*, DEMOCRATIC VOICE OF BURMA (Mar. 21, 2014), <https://english.dvb.no/chins-affirm-geneva-call-on-sex-crimes-child-protection-burma-myanmar> (explaining how other signatories include the Chin National Front and its armed wing the Chin National Army).

42. *The KNU/KNLA Commits to the Protection of Children and the Prohibition of Conflict-Related Sexual and Gender-Based Violence*, GENEVA CALL (July 24, 2013), <https://www.genevacall.org/news/knuknla-commits-protection-children-prohibition-conflict-related-sexual-gender-based-violence>.

43. See Jamey Keaten, *As Conflict Worsens Conflict Worsens in Eastern Congo, 2 Armed Groups Pledge to Respect Civilians*, ASSOCIATED PRESS (Mar. 30, 2024, 12:023 AM), <https://apnews.com/article/congo-geneva-rebel-groups-humanitarian-law-m23-661b0b5362cfc621848d87c7555efaed9> for a discussion of how the Ndumu Defense of Renewed Congo spokesperson referenced “a change on the ground” after training courses and that the group was motivated “out of a desire to debunk preconceived notions that people around the world might have about resistance groups, and show our desire and to influence others also to adhere to the philosophy of respect for human rights . . . despite the circumstances our country is going through.”

44. Lamazière, *supra* note 41.



they do suggest we ought to pay attention to the Deed.

### ***B. Queering the Deed***

Given the paucity of empirical research on the Deed's implementation, this section identifies two of many possible concerns growing out of queer and feminist theory. The first relates to the use of gender binaries throughout the deed. The second relates to whether increased female participation leads to better outcomes for women and queer individuals.

#### **1. The Deed's embrace of gender binaries**

The Deed is a mixed bag when it comes to gender binaries. Its prohibition on sexual violence explicitly applies to all individuals as such. It provides no definition of sexual violence, leaving open space for borrowing or developing local meanings consistent with international law. Even as the Deed itself provides protections to all and provides space for radical understandings of sexual violence, the Deed emphasizes the disparity in sexual violence in explicitly binary terms. The Deed notes, “[w]hile both women and men can experience sexual violence in times of armed conflict, the overwhelming majority of victims and survivors of sexual violence are women.” It goes on to say, “[c]onflict exacerbates existing gender inequalities, which also tends to exacerbate discriminatory gender practices that deny access to education, health, and other basic services.”<sup>45</sup> Depending on one's theoretical perspective, one might wish they had disaggregated further, noting, for instance, the specific heightened risks to queer individuals, or that they had also acknowledged the insufficient attention paid to male sexual assault and how that can reinscribe gender stereotypes to the detriment of all.<sup>46</sup> Or one might view the use of binaries here as a problematic, but still a helpful observation to help improve the “liveability” of protected individuals' lives during armed conflict, as Butler emphasizes.

It would be well worth looking at signatories' implementation efforts to see how sexual violence is determined—whether through rebel orders or if it is left to the ambit of rebel or local courts. Similarly, it would be interesting to know what, if any, counsel Geneva Call and local NGOs provide on this question. Many of the signatory NSAGs are located in places with non-Eurocentric approaches to gender and that may be reflected in the NSAGs' implementation. Relatedly, it would be helpful to know if Geneva Call engages civil society organizations that bring a queer perspective to the table as issues related to implementation and

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45. *Thematic Areas*, GENEVA CALL, <https://www.genevacall.org/areas-of-intervention> (last visited June 4, 2025).

46. Maggie Fischer, *How Gender Bias on the Battlefield Hinders the Protection of Civilian Men*, JUST SEC. (Jan. 6, 2025), <https://www.justsecurity.org/104722/gender-battlefield-bias-civilian-men>.

enforcement are resolved.

## 2. The impact of the Deed's participation pledge

For what it is worth, in the absence of such declarations like the Deed, NSAGs—even those that allow women to join their organizations—only infrequently embrace gender equality; nor are they likely to gender mainstream troops, troop leadership, or governance roles.<sup>47</sup> The Declaration's goal of increasing women's participation in NSAGs and rebel governance is ostensibly to generate both more inclusive and more gender-sensitive outcomes. But is there a positive relationship between participation and outcome? This is an empirical question. Scholars have long debated<sup>48</sup> whether increased gender representation makes for more gender friendly outcomes, more legitimate institutions, and decreased sexual violence.

As to this question in the context of NSAGs, one school of thought suggests women's distinctive lived experiences ought to yield diverse perspectives not already represented in rebel governance<sup>49</sup> and, in particular, more women at the table ought to mean more active challenges to gender stereotypes and more just governance outcomes for all. Relatedly, some theorize that women more ably represent the needs of non-combatants, something rebel governance might not adequately do otherwise, either because they themselves did not serve in this role or because they are more linked to the care of those that did not.<sup>50</sup> Similarly, women are theorized to argue for others who have been marginalized and be better attuned to the redistributive needs of those governed by a NSAG. They might also play a special role in conflict resolution and enhancing long-term security with an eye towards restorative justice and reconciliation rather than retribution. Take, for instance, the Kurdish Women's Protection Units and the co-chair policy of men and women holding all governance positions with equal collaborative authority in the Autonomous Administration of North and East Syria—credited with outlawing child marriage, criminalizing domestic abuse, and “protecting the participation of ethnic minorities in city and canton councils.” Or

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47. Ora Szekely, *Exceptional Inclusion: Understanding the PKK's Gender Policy*, 46 *STUD. CONFLICT & TERRORISM* 433, 435 (2020).

48. See Nina Reiners, *There's No Mainstream Without Feminism*, 39 *TEMP. INT'L & COMPAR. L.J.* 27 (2025); see also David Zaring, *Insiders and Outsiders in Feminism, International Law, and International Relations*, 39 *TEMP. INT'L & COMPAR. L.J.* 37 (2025).

49. Hilary Matfess & Meredith Loken, *Women's Wings in Rebel Organizations: Prevalence, Purposes and Variations*, 27 *CIVIL WARS* 3, 11–12, 14, 18 (2024) (discussing how issues affecting women in NSAGs are often first raised in women's wings and then women leaders push for reform).

50. See Emily Myers, *Gendered Governance: How Women in Insurgent Government Shape Rebel Rule*, 27 *CIVIL WARS* 189, 193–212 (2025) (providing empirical evidence that women, due to their social and gendered positioning, are more capable of and inclined to represent the needs of non-combatants, something rebel governance might not do as effectively if led solely by men or combatants).

consider the female leaders within the FARC in Colombia who helped build support for peace, brought land reform and reparations to the negotiating tables, and secured rights for women and indigenous populations relating to rural property as well as addressing past and future gender-based violence.<sup>51</sup>

That said, structural barriers may limit increased women's participation from turning into transformative leadership. Many NSAGs, just like many states, are deeply rooted in traditional gender roles and norms.<sup>52</sup> Even as the Deed calls for increased female participation in all levels of decision-making, women may still be sidelined from exerting meaningful influence.<sup>53</sup> If the NSAG and its governance arm does not already challenge the dominant state and society's approach to traditional gender roles, simply adding women may not lead to significant change in decision-making processes or outcomes, particularly in the short term. Rather it may simply be a pinkwashing strategy to garner international legitimacy.

On the other hand, NSAGs may provide a unique opportunity for women to participate, as many of these groups are actively seeking to challenge not just the state's power but also the state's political and social status quo. For such groups seeking a more progressive future,<sup>54</sup> signing the Declaration is not a disingenuous pinkwash, but rather an ongoing commitment to change and challenge the dominant patriarchy.

So, have Deed signatories actually implemented measures to increase participation? Has that participation actually resulted? If yes, then has greater participation yielded successful challenges to cis-heteronormative structures or has it simply facilitated greater female participation in a relatively unchanged status quo? My intuition is that it will vary across NSAGs and perhaps be linked to the underlying political orientation of the NSAGs as well. In some instances, I suspect they will be first-movers on both enhanced participation and more inclusive governance, perhaps at least partially to distinguish themselves from the practices of the state.<sup>55</sup>

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51. Jamille Bigio et al., *Women's Participation in Peace Processes: Colombia*, COUNCIL ON FOREIGN REL. (Dec. 15, 2017, 2:25 PM), <https://www.cfr.org/blog/womens-participation-peace-processes-colombia>.

52. Jakana L. Thomas & Reed M. Wood, *The Social Origins of Female Combatants*, 35 CONFLICT MGMT. & PEACE SCI. 215 (2018), Meredith Loken, *Gendering Rebel Origins: Women as First Movers During Civil Wars*, EURO. J. OF GENDER & POL. 1 (2024) (noting that even in female founded resistance groups, women face persistent sexism).

53. See Nina Reiners, *There's No Mainstream Without Feminism*, 39 TEMP. INT'L & COMPAR. L.J. 27 (2025).

54. To be clear, some NSAGs are seeking a more regressive future.

55. Theresia Thylin, *Violence, Toleration or Exclusion? Exploring Variation in the Experiences of LGBT Combatants in Colombia*, SEXUALITIES 1, 9 (2019) (discussing how M-19 allowed homosexuals to serve long before the Colombian Constitutional Court struck down prohibitions on homosexuals in the state military as unconstitutional).

## V. CONCLUSION

A truly feminist or queer international law is about more than simply extending protections and voice to queer and female individuals. Of course, no unitary vision exists. But to the extent that a queer vision of international law is radically liberatory and challenges the neocolonial world order, it is an open question as to which NSAG Deed signatories are truly committed to that more radical step. Geneva Call takes international law largely as given and asks NSAGs to commit to it. The prohibition on sexual violence, for instance, may end up reinscribing carceral norms of accountability, but that is not necessarily the only outcome.

Stoppioni's *Queer Approaches* ends with the observation that "queer theory cannot disengage from international law by stating the impossibility of queering international (human rights) law." I suggest not only should it actively engage, but that it has affirmative potential as new sources of governance might be brought under its auspices.