

“Learning to Listen and Listening to Learn”
(An excerpt from *Punctuated Silence: Variation in the International Response to Wartime Sexual Abuse*)

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Why do some cases of sexual abuse in armed conflict evoke a response from international actors while other instances of similar scale do not? My dissertation seeks to answer this question through an analysis of the international community’s reactions to wartime sexual abuse from the onset of the Cold War until present day.

This paper explores three central observations: sexual abuse in war is ubiquitous, but international condemnation or even recognition of sexual abuse in war is far less common; wartime sexual abuse has been discussed in the past, but international actors only began to make real progress in discussing, condemning, and attempting to mitigate the effects of wartime sexual abuse in the last decade; and, while non-recognition of sexual abuse in war was more common in past eras, some recent cases have garnered only weak international responses.

Over time, wartime sexual abuse began to be seen as a problem that merits international condemnation. Activism carried out by networks of non-governmental organizations (NGOs) led states and multilateral and intergovernmental organizations to conceive of wartime sexual abuse as an unacceptable consequence of armed conflict. In short, organizations and states learned to listen to previously silenced victims of wartime sexual abuse. A key marker of this evolution is United Nations Security Council Resolution 1325 (UNSCR 1325), passed on 31 October 2000, which resulted from discussions between NGOs and the United Nations (UN) and constituted a reaction to the systematic use of sexual abuse during civil wars in the 1990s. Even after UNSCR 1325, however, variation in the response to wartime sexual abuse persists.

In my dissertation I discuss the international community’s recognition or non-recognition of widespread sexual abuse in armed conflicts occurring during three periods: the Cold War; the post-Cold War years prior to the implementation of United Nations Security Council Resolution 1325 (UNSCR 1325) in 2000; and the years after the implementation of UNSCR 1325. This paper introduces the puzzle and the observations supporting it.

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Introduction

When does the international community of states, nongovernmental organizations (NGOs), and international organizations (IOs) respond to sexual abuse in war, and when does it turn a blind eye? Increased international attention in the last decade points to the existence of a new international norm condemning the strategic use or incidental occurrence of sexual abuse in war.

Three observations underpin my discussion of the evolution of an international anti-sexual abuse norm. The first is that although rape, forced prostitution, sexual slavery, and other sexual atrocities have accompanied war throughout all of recorded history, international condemnation or even recognition of wartime sexual abuse has been extremely rare up until the past decade. The second observation is that international actors only began discussing, condemning, and working to mitigate the effects of wartime sexual abuse in recent years, despite knowledge of widespread sexual atrocities in past wars. The third observation is that, while non-recognition was more common in past eras, recent cases of wartime sexual abuse have not triggered consistent international responses.

Sexual abuse in war constitutes a special type of atrocity. To underscore the importance of addressing this phenomenon is not to suggest that it is the only way in which women suffer in war.¹ As Kelly Dawn Askin observes: “the same atrocities which happen to the civilian male

¹ I also do not suggest that women and girls are the only victims of sexual abuse in war. Men and boys are victimized as well, whether they themselves are raped or whether they are forced to commit rape or incest. Given the relative dearth of information on sexual abuse of men and boys, as well as the fact that

happen to the civilian female [...]. However, *additional* things happen to females which far less frequently happen to males. Apart from the brutalities committed against civilians of both sexes, females—women and children alike—are sexually assaulted with alarming regularity.”² Sexual abuse involves a range of gender-based violence, including rape, “forced prostitution, forced sterilization, forced abortion, pornography, sexual mutilation, and sexual sadism.”³ Of this range of behaviors, rape is the form most frequently referenced by scholars, advocates, and policymakers. The emphasis on rape is due in large part to the fact that it is understood to be the most common act and tends to be used in conjunction with the other forms of sexual abuse, making it convenient shorthand for sexual abuse. I use the term “sexual abuse” throughout this discussion instead of “sexual violence” in an effort to include all forms of abuse and exploitation of women, some of which are not necessarily brought to mind by the term “sexual violence”. Women’s experiences in Bosnia offer one such example in which the term “sexual abuse” may be more inclusive: a woman who “chooses” to become a military commander’s “girlfriend” rather than to remain in a rape camp to be raped by several strangers each day has made a rational decision to increase her potential for protection, but a situation involving sexual abuse persists.⁴ As the literature uses “sexual violence” with greater frequency, however, I have left the term unchanged in the context of quotations and excerpts from other studies.

Within my study, sexual abuse encompasses both systematic and incidental abuse. For the purposes of clarity, I will use the term systematic sexual abuse when abuse is documented as

women and girls constitute the overwhelming majority of sexual abuse victims, my study focuses on sexual abuse of female civilians.

² Kelly Dawn Askin. 1997. *War Crimes Against Women*. Cambridge, MA: Kluwer Law International. 12-13.

³ Jocelyn Campanaro. 2001. “Women, War, and International Law.” *The Georgetown Law Journal* 89: 2561.

⁴ Janet Halley. 2008. “Rape in Berlin: Reconsidering the Criminalisation of Rape in the International Law of Armed Conflict.” *Melbourne Journal of International Law* 9: 78-124.

a deliberate strategy of one or more parties to the armed conflict. Examples include mass rape as a tool of ethnic cleansing, as carried out in the Bosnian genocide, and widespread forced prostitution, such as Japan's "comfort women" in World War II. The term "incidental sexual abuse" is used here not to create the perception that such occurrences are less egregious but instead to account for the fact that they are not directly related to military strategy. Incidental sexual abuse arises from the presence of troops and the economically, politically, legally, and socially unstable environment.⁵ Examples include instances of rape perpetrated by United Nations (UN) peacekeepers working in post-conflict zones, including (but not limited to) Mozambique,⁶ Somalia, and Cambodia.⁷ Although strategic sexual abuse perpetrated as a conflict strategy is more likely to be the target for moral outrage, incidental abuse merits exploration because of its conceptual complexity, its ubiquity in conflict zones and ongoing peacekeeping operations, as well as its role in military culture.⁸

⁵Prostitution in conflict zones is a complicated aspect and may factor into this part of the discussion. Prostitution is illegal in many of the states included as cases in this study, but nevertheless becomes a thriving industry near military bases and in areas surrounding conflict zones because of civilians' financial instability. In addition, prostitution fuels the human trafficking industry in unstable regions, and women and girls perceived as willing participants in prostitution are actually held and forced to work in bars or brothels against their will. Furthermore, cases of rape may be viewed as prostitution if the perpetrator paid his victim with money, food, or other goods, or if the victim was hired as a domestic employee or live-in girlfriend. In essence, consent is questionable in cases of prostitution in conflict zones. If it can be clearly established that prostitution in conflict zones was not consensual, it will be included in the case studies; where consent is ambiguous, prostitution will not play a central role in the case study. For an explanation of regulated camp town prostitution, see Katharine H.S. Moon. 1997. *Sex Among Allies: Military Prostitution in U.S.-Korea Relations*. NY: Columbia University Press. For an explanation of the link between prostitution and human trafficking, see Sarah E. Mendelson. February 2005. *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*. Washington, DC: Center for Strategic and International Studies. 32.

⁶ Donna Pankhurst. 2010. "Sexual abuse in War" in Laura J. Shepherd, ed. *Gender Matters in Global Politics: A Feminist Introduction to International Relations*. New York: Routledge. 156.

⁷ Sandra Whitworth. 2004. *Men, Militarism & UN Peacekeeping: A gendered analysis*. Boulder, CO: Lynne Rienner Publishers, Inc.

⁸ Mendelson explores the ways in which military officers excuse their subordinates' (illegal) patronage of brothels because of the deeply entrenched notion that boys will be boys.

This paper is an early draft of a dissertation chapter on the evolution of a nascent international anti-sexual abuse norm and the puzzle of its inconsistent application in recent years. The paper will proceed first by establishing the ubiquity of sexual abuse in war throughout history. The second section discusses the construction of an international anti-sexual abuse norm in the early years of the twenty-first century. The third section lays the foundation for the dissertation's central question and case studies by pointing to variation in the international response to recent armed conflicts involving sexual abuse.

Sexual Abuse as a Ubiquitous Wartime Atrocity

Sexual abuse accompanies a great number of wars, whether as a military strategy or a by-product of the chaos and political, social, and economic instability.⁹ References to rape, abduction, forced marriage, forced prostitution, and sexual slavery are prevalent throughout historical accounts of ancient warfare, most notably in the *Iliad*, the Old Testament of the Bible, the First Caliph of the Muslim Army, and the medieval Ordinances of War.¹⁰ Although the sexual abuse of civilian women by combatants arises from motivations at least partially specific to each war, common motivations include revenge, frustration, attempts to bolster troops' morale, and ethnic cleansing.¹¹

Documentation of women's experiences during the first half of the twentieth century, particularly during World War II, reveals widespread acts of unimaginable horror. The Armenian genocide, Japanese capture of Nanking, and both theaters of World War II involved widespread,

⁹ Elisabeth Jean Wood presents a compelling study of the armed conflicts in which rape is rare, offering a reminder that sexual abuse is not an inherent by-product or constant strategy of war. Elisabeth Jean Wood. 2009. "Armed Groups and Sexual Abuse: When Is Wartime Rape Rare?" *Politics and Society* 37: 131-161.

¹⁰ Catherine N. Niarchos. 1995. "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 17(4): 659.

¹¹ Joshua Goldstein. 2001. *War and Gender: How Gender Shapes the War System and Vice Versa*. New York: Cambridge University Press. 362.

systematic sexual abuse.¹² In the Armenian genocide desirable and healthy women were auctioned off to Muslim officials as sex slaves, while women and girls (including the very young and elderly) were raped and beaten.¹³ During the six weeks after the Japanese capture of Nanking in 1937, an estimated 20,000 to 80,000 women and girls were systematically raped by members of the Imperial Army and male civilians, including celibate monks, were forced to commit rape and incest as part of a campaign of sexual brutality. Nazi concentration camps involved forced prostitution in brothels in ten concentration camps to boost productivity among male captives and as a service for members of the SS.¹⁴ It is estimated that between 100,000 and 1,000,000 German women were raped by Soviet soldiers at war's end in Berlin.¹⁵ The Japanese military forced an estimated 200,000 women to work as 'comfort women' for Japanese soldiers to boost morale and maintain discipline.¹⁶

Accounts from the second half of the twentieth century demonstrate that wartime sexual abuse has remained a consistent feature of armed conflicts despite changes in the scope and type of war, as well as major changes in the structure of the international political environment. The Pakistani army reportedly raped 200,000 Bangladeshi women in an effort to crush Bangladesh's independence movement in 1971.¹⁷ Among US troops serving in the Vietnam War, "rape of Vietnamese villagers was 'pretty SOP,' or standard operating procedure [...] and, incredibly, to keep the troops content, brothels were organized within military compounds."¹⁸ Although sexual abuse in both of these cases was fairly common knowledge, recognition was almost completely

¹² Janie L. Leatherman. 2011. *Sexual Violence and Armed Conflict*. Cambridge, UK: Polity. 2.

¹³ *Ibid.* 51-52.

¹⁴ *Ibid.* 52.

¹⁵ Elizabeth Heineman. 2008. "The History of Sexual Violence in Conflict Zones: Conference Report." *Radical History Review* 101:5.

¹⁶ *Ibid.* 5.

¹⁷ Weitsman, 563.

¹⁸ *Ibid.* 667-668; Askin, 236.

stifled by the international structure of the Cold War era and the low priority assigned to human rights, especially women's human rights, abuses.

The table below (Table 1) presents a brief picture of the scale of sexual abuse in a few of the most recent armed conflicts:

Primary Location of Armed Conflict	Conflict Date Range	Estimated Number of Sexual Abuse Victims and Survivors (Combined)
Uganda	1987-present	Unknown- estimated to be in tens of thousands
Sierra Leone	1991-2002	50,000- 64,000
Bosnia	1992-1995	20,000-60,000
Rwanda	1994	500,000
Democratic Republic of Congo	1997-2009	At least 32,000 (estimate from South Kivu only)

Table 1: Excerpt from Wartime Sexual Abuse Survey

Sexual abuse has formed an integral component of the civil wars and counter insurgencies in Liberia, Peru, Rwanda, Somalia, Uganda, Guatemala, Kuwait, Latin American states, the former Yugoslavian states, Sudan,¹⁹ and Sierra Leone,²⁰ with rape and other types of sexual abuse inflicted upon tens and hundreds of thousands of women and men. In essence, sexual abuse is “what war is all about.”²¹ Implicit acceptance of sexual abuse as an automatic consequence or strategy of war fostered an environment of international indifference toward it until the final years of the twentieth century.

¹⁹ Weitsman, 563.

²⁰ Heineman, 5.

²¹ Miranda Alison. 2007. “Wartime sexual violence: women’s human rights and questions of masculinity.” *Review of International Studies* 33: 80.

Establishing the Anti-Sexual Abuse Norm

The nascent international norm condemning wartime sexual abuse was catalyzed in the wake of the genocide in Bosnia and Rwanda and etched onto the international agenda a few years later with the adoption of United Nations Security Council Resolutions 1325 and 1820. Historically, attempts to address the gendered effects of war have used the language of protection, severely limiting women's agency and seeking to preserve masculine honor and feminine purity rather than to promote women's interests. "Defense of women has long been a hallmark of masculine pride, as possession of women has been a hallmark of masculine success. Rape by conquering soldiers destroys all remaining illusions of power and property for men of the defeated side. *The body of a raped woman becomes a ceremonial battlefield [...] The act that is played out upon her is a message passed between men.*"²² The Lieber Code is consistent with the notion of the woman's body as an important facet of the larger social order, something to be kept pure and sacred. Issued during the United States Civil War to Union troops in 1863, the Lieber Code mandated protection of civilians, calling for special protection of women and the "sacredness of domestic relations."²³ Specific protection for women beyond the general prohibition on violence against civilians did not emerge in international legal discourse until the Fourth Geneva Convention in 1949.

The Fourth Geneva Convention of 1949 states: "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault."²⁴ The prohibition on sexual abuse was reiterated in Additional Protocol I on

²² Niarchos, 660, citing Brownmiller, Susan. 1993. *Against Our Will: Men, Women and Rape*. 2nd Ed. NY: Ballantine Books. Emphasis in original.

²³ "Instructions for the Government of Armies of the United States in the Field (Lieber Code)." 24 April 1863. Section II, Article 37. Available: < <http://www.icrc.org/ihl.nsf/FULL/110?OpenDocument>>

²⁴ Geneva Convention (IV), Part III, Section 1, Article 37.

international conflicts and Additional Protocol II on civil conflicts in 1977.²⁵ The inclusion in international law of additional protection for women in armed conflicts signals that sexual abuse in war is a special type of violation of the civilian immunity norm. That this particular casualty is prohibited under international law does not guarantee compliance, but it implies that *all* instances of sexual abuse should, in theory, garner international legal or political condemnation or, at the very least, international recognition. Regrettably, the use of sexual abuse in armed conflict did not trigger strong international condemnation until the close the twentieth century.

Through a discussion of the response to sexual abuse in Bosnia and Rwanda and the framing of wartime sexual abuse in twenty-first century UN rhetoric, this section explores the landmark events that led the international community to listen, in recent years, to war's previously silenced victims.

Bosnia and Rwanda: Landmark Conflicts

Despite the prevalence of wartime sexual abuse in older wars, the international community truly began to recognize and condemn sexual abuse in the wake of the bloody civil wars of the 1990s. The systematic use of rape, forced pregnancy, and other forms of sexual torture and humiliation in the genocides in Bosnia and Rwanda were widely publicized by international media sources and human rights groups. An estimated 50,000 to 64,000 women and girls were raped in Bosnia as part of an ethnic cleansing campaign.²⁶ In Rwanda, an estimated 250,000 to 500,000 women and girls were raped,²⁷ systematically targeted by the Interahamwe in

²⁵ "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)." 8 June 1977. Chapter II, Article 76, Line 1. Also: "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)." 8 June 1977. Part II, Article 4, Line 2(e).

²⁶ Heineman, 5.

²⁷ Alison, 87.

an effort to humiliate and torture victims before or in lieu of killing them.²⁸ Ninety percent of female survivors of the Rwandan genocide were victims of sexual abuse before, during, and after the Hutu-led offensive.²⁹ Attacks during these two conflicts “caught the world’s attention”³⁰ and prompted outrage and the perception of the brutality as unprecedented.³¹ As a result of the systematic use of rape to accomplish genocidal aims, activists, scholars, and policymakers began to discuss wartime sexual abuse through the imagery of ‘rape as a weapon’.³²

‘Rape as a weapon’ of war, broadly defined, or of genocide “refers to sexual violence as having a systematic, pervasive, or officially orchestrated aspect,”³³ and underscores the assertion that, unlike incidental sexual abuse, these acts are “not random acts, but appear to be carried out as deliberate policy.”³⁴ When sexual abuse is a weapon of war, the violation of female bodily integrity does not occur solely as a result of the chaotic state surrounding the war zone, but rather it is intentionally committed by combatants against women and men of the enemy side; where same-side sexual abuse occurs, it is at times likewise due to the perception of the victim as a traitor or is simply a non-strategic or isolated incident (what I refer to as incidental sexual abuse).³⁵ When sexual abuse is used as a weapon it is designed to “intimidate, degrade, humiliate, and torture the enemy.”³⁶ The rationale behind and effectiveness of this tactic stem from gender norms and the power relationships inextricably tied to them. For example, Sara Meger’s discussion of rape as a weapon in the Democratic Republic of Congo looks to the roles

²⁸ Weitsman, 573.

²⁹ Ibid. 573.

³⁰ Niarchos, 650.

³¹ Alison, 82.

³² Doris E. Buss. 2009. “Rethinking ‘Rape as a Weapon of War’.” *Feminist Legal Studies* 17: 148.

³³ Ibid, 149.

³⁴ Niarchos, 658.

³⁵ Alison, 79.

³⁶ Weitsman, 563.

of women as caregivers and men as protectors in Congolese culture as an explanation for the use of rape warfare in the country:

In Congolese culture, women are generally perceived as the core of the community, as they are the caregivers, child-bearers, nurturers, and workers for the community. Their social role has 'been constructed as the locus or carriers of culture', and as such an attack on a woman in a given community is an attack on that community. [...] In Congolese family law, a man is bestowed with the duty to protect his wife. It is particularly this role Congolese men have as protectors of women and girls that makes sexual assault such an effective weapon in this conflict, as it provides a clear demonstration of their inability to protect 'their' women, striking at their masculine identities.³⁷

It is precisely because of established gender norms that rape as a weapon wields so much destructive power.

Despite the fact that strategic sexual abuse draws on gender norms wherever it is employed, subtle differences in method and aims exist across conflicts employing rape as a weapon of war. The genocides in Rwanda and Bosnia illustrate these differences: Serb militias used rape as a means to humiliate and terrorize the enemy, but also to carry out an ethnic cleansing campaign by propagating Serb babies through forced pregnancy; Hutu forces used rape as a means to destroy life and community rather than to increase their population and as a reward to entice men to participate in the hostilities.

The use of rape as a weapon in Bosnia draws from cultural gender norms, particularly the way in which ethnicity is believed to be inherited. In Serbian culture, identity is assumed to be paternally given, which led to an ethnic cleansing campaign that used forced impregnation of Bosnian Muslim. The Serbs' goal was to eliminate the enemy race by forcing enemy women to bear 'enemy' children; perpetrators of the mass rape campaign did not see women as having any role beyond that of human vessels for the rapist fathers' children. Forced pregnancy was not the

³⁷ Sara Meger. 2010. "Rape of the Congo: Understanding sexual violence in the conflict in the Democratic Republic of the Congo." *Journal of Contemporary African Studies* 28(2):130.

only way in which rape was used as a weapon in Bosnia; policies of public mass rape and gang rape were also employed to humiliate and terrorize the Muslim population to such an extent that they would leave the region.³⁸ Patricia Weitsman, in her discussion of genocidal rape in Bosnia, argues that these two distinct motivations driving mass rape campaigns, ethnic cleansing through forced maternity and the propagation of the perpetrators' race versus ethnic cleansing through forced migration, ought to be viewed as separate strategies lest scholars and international actors risk adopting the perpetrators' notions of gender and ethnicity.³⁹

Perpetrators of the genocide in Rwanda, with few exceptions, used rape as a weapon to kill, not to procreate. Rather than engaging in rape warfare to force Tutsi women to bear Hutu children, the Rwandan government tried to take life through sexual abuse. Rape in Rwanda was carried out with genocidal aims; the government and militias committed sexual atrocities with the intent to destroy an ethnic group.⁴⁰ Paul Kagame recalls, "We knew that the government was bringing AIDS patients out of the hospitals specifically to form battallions of rapists."⁴¹ As a result, an estimated seventy percent of female survivors of the genocide contracted HIV in the course of the hostilities.⁴² Rape was also used as a reward for Hutu militia groups, a tool to motivate them to take up arms;⁴³ this use of sexual abuse, however, resonates more soundly with traditional understandings of wartime sexual abuse as a reward for the conquering army.⁴⁴ The

³⁸ Weitsman, 565.

³⁹ Ibid. 565.

⁴⁰ Buss, 150.

⁴¹ Weitsman, 577.

⁴² Ibid. 577.

⁴³ Ibid. 573.

⁴⁴ Nazi forces similarly established rape camps and brothels to motivate soldiers and to reward male concentration camp inmates for good behavior. For a full discussion, see Carol Harrington. 2010. *Politicization of Sexual Violence: From Abolitionism to Peacekeeping*. Burlington, VT: Ashgate Publishing Company. 75.

multi-dimensional nature of strategic sexual abuse in Rwanda underscores the complexity not only of wartime sexual abuse but of the rape as a weapon frame as well.

The fact that the perpetrators of the Bosnian and Rwandan genocides, both of which are commonly cited as illustrations of systematic sexual abuse or rape as a weapon of war, utilized sexual abuse in a variety of ways signifies that ‘rape as a weapon’ is more complex than it may seem. The ends for which rape is used as a weapon offer a wealth of information about the gender norms and ideas surrounding ethnicity. Yet, the multi-dimensionality of the use of sexual abuse leads ‘rape as a weapon’ to obscure a number of atrocities including same-side and incidental sexual abuse.

Perhaps the most detrimental effect of the understanding of wartime sexual abuse in terms of rape as a weapon is the tendency to overlook incidental sexual abuse or attacks perpetrated against members of the ‘same side’—women or men of the same religious, ethnic, racial, or national background. Viewing rape as a weapon leads to a narrow focus on sexual abuse committed within the confines of military strategy against a specified victim. Although such a view may capture the majority of atrocities involved in strategic sexual abuse, widespread violence occurring as a by-product of armed conflict is invalidated by the ‘rape as a weapon’ frame. When we discuss rape as a weapon, we emphasize “shared patterns of violence (Tutsi women attacked by Hutu men) and continuity of impact (destruction of a community) rather than considering variances and exceptions.”⁴⁵ Doris Buss illustrates the complexity of strategic sexual abuse by relating the experience of a Hutu woman’s inability to receive government support after she was raped by Hutu forces in her effort to protect her Tutsi husband during the genocide.⁴⁶ Hutu women, despite the fact that they were targeted by the Hutu regime before and during the

⁴⁵ Buss, 155.

⁴⁶ Ibid. 155.

genocide because of their sex or their political or social ties to Tutsis, are not traditionally viewed as victims of the genocide because of their ethnic identity and therefore seldom receive recognition as victims of strategic sexual abuse.

Even when sexual abuse is not perpetrated as a military strategy, it can still occur on a large scale and have destabilizing effects for society but is obscured by the notion of rape as a weapon. Beyond incidental sexual abuse perpetrated against women outside of military strategy, ‘rape as a weapon’ overlooks sexual abuse victimizing men and boys. Discussions of and policies attempting to deal with sexual abuse do not take male victims or female perpetrators into account. Our current understanding of rape as a weapon draws chiefly on women’s experiences as victims of sexual abuse, targeted because of their gender roles. An undertheorized aspect of sexual abuse, however, is its connection to masculinity and its attendant emphasis on aggression, “physical strength, practical competence, sexual performance, and protecting and supporting women.”⁴⁷ Despite the complexity of sexual abuse in war, ‘rape as a weapon’ has emerged as the veritable tipping point of a nascent anti-sexual abuse norm. That ‘rape as a weapon’ presents a limited image of sexual abuse may explain why the international reaction to sexual abuse tends to vary.

UN Action

Efforts to recognize the effect of war on women resulted not only from the response to sexual abuse in Bosnia and Rwanda but also from revelations of sexual exploitation of and violence against civilians committed by peacekeepers. The UN defines sexual exploitation as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from

⁴⁷ Alison, 76.

the sexual exploitation of another.”⁴⁸ Sexual violence is defined as “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”⁴⁹ The UN set out to address sexual abuse of women in conflict zones through a process of gender mainstreaming, understood to be the “process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels...to achieve gender equality.”⁵⁰

UN Security Council Resolution 1325 (S/Res/1325 or Resolution 1325), adopted on 31 October 2000, was the organization’s first major attempt to address the issue of sexual abuse of women and girls in conflict zones. The motivation was clear: women are disproportionately impacted by armed conflict, and when they are absent from the decision-making and peace-building processes the ultimate outcome will be one that overlooks the gendered effects of war and the reconstruction process and potentially contributes to continued instability. Resolution 1325 called for increased participation of women in peacekeeping, as well as a general effort to incorporate gender considerations when planning and implementing missions, placing primary responsibility for implementation on the Security Council, Secretary General, member states supplying peacekeeping personnel, and parties to current and future armed conflicts.

Resolution 1325 is not only a landmark achievement because of its explicit recognition of women’s suffering in war; rather, it is the emphasis on women’s *agency* and their ability to create change that makes this resolution a key marker in the creation of the anti-sexual abuse norm. With Resolution 1325, the image of women in international discourse is transformed from beings to be protected (by men) to equals with a valuable role to play in policy-making and

⁴⁸ Cited in United Nations General Assembly, A/59/710, p. 7.

⁴⁹ Cited in Ibid. p. 8.

⁵⁰ United Nations Department of Peacekeeping Operations. November 2006. “Gender Equality in UN Peacekeeping Operations.” 8.

peace-building. As with any call for international action, however, Resolution 1325 was not in and of itself the key to mitigating the gendered effects of war.

Although the Security Council and Secretary General consistently professed a commitment to addressing and preventing sexual abuse of women in conflict zones, after Resolution 1325⁵¹ was adopted allegations of exploitation and abuse of civilian women *by UN personnel* began to surface as reporting mechanisms improved.⁵² While not the first instances of exploitation by peacekeeping forces, the revelation in 2004 of sexual exploitation of civilians carried out by a “significant number of United Nations peacekeeping personnel”⁵³ in the Democratic Republic of the Congo prompted an institutional review of prior reports received during other missions. Sexual abuse and exploitation were found to be present during operations in Bosnia and Herzegovina, Kosovo, Cambodia, Timor Leste, West Africa, and the Democratic Republic of the Congo in the early 1990s through the mid-2000s.⁵⁴ The presence of peacekeeping forces has been linked to sharp increases in the levels of sex trafficking and forced prostitution involving women and children, rape, gender-based violence against civilians, and instances of civilian women and girls hired by troops for domestic help and forced into sexual slavery.⁵⁵ For instance, the UN mission in Cambodia was characterized by increased rates of prostitution, sexual assault, and (culturally stigmatized) sexual relationships between unmarried

⁵¹ Following S/Res/1325, the General Assembly adopted Resolution 57/306 on 15 April 2003 urging the Secretary General to take action to address sexual exploitation in peacekeeping operations, and in 2005 the General Assembly and Secretary General Kofi Annan commissioned a comprehensive review of sexual exploitation in peacekeeping missions (A/59/710).

⁵² United Nations General Assembly. 24 March 2005. “Comprehensive review of the whole question of peacekeeping operations in all their aspects.” A/59/710.p.10.

⁵³ *Ibid.* 1.

⁵⁴ *Ibid.* 7.

⁵⁵ Keith J. Allred. 2006. “Peacekeepers and Prostitutes: How Deployed Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It.” *Armed Forces and Society* 33(5). Subcommittee on International Operations and Human Rights of the House Committee on International Relations. 24 April 2002. *The U.N. and the Sex Slave Trade in Bosnia: Isolated Case or Larger Problem in the U.N. System?* (Hearing during the 107th Congress, 2nd Session).

civilians and peacekeepers. The peacekeepers who perpetrated sexual abuse contributed to the unraveling of social and familial structures for some civilians, and left many Cambodians with the sense that the blue helmets had come only to use Cambodian women as sex workers.⁵⁶

In the wake of these damaging allegations of sexual abuse and exploitation committed by civilian and military personnel deployed to post-conflict zones on UN peacekeeping missions, the Security Council and Secretary General began to take action through a comprehensive investigation and resolutions to integrate gender considerations into peacekeeping operations and to improve peacekeepers' legal accountability. A primary mechanism for successful UN peacekeeping missions is the perception of UN personnel as impartial, benign, and legitimate, and abuse or exploitation of vulnerable civilians by UN personnel does "great harm to the name of peacekeeping."⁵⁷ The comprehensive strategy to eliminate sexual exploitation during peacekeeping missions, resulting from the investigation carried out by Jordan's Prince Zeid Ra'ad Zeid Al-Husseini and issued to the General Assembly in March 2005, outlines and recommends improvements to the UNDPKO's standards of conduct, investigative process, command responsibility, and individual accountability with regard to sexual exploitation and abuse.⁵⁸ This investigation was an important step in addressing the UN's role in mitigating the devastating effects for women of armed conflict not only through its recommendations as a moral authority, but also through training and appropriate disciplinary measures to address the misconduct of its own deployed personnel.

Following the 2005 investigation and continued allegations of sexual misconduct, Security Council Resolution 1820 (S/Res/1820 or Resolution 1820) was adopted on 19 June 2008 as a reaffirmation of the Security Council's commitment to recognizing and attempting to

⁵⁶ Whitworth, 68.

⁵⁷ UN Secretary General Kofi Annan in A/59/710.

⁵⁸ Ibid.

mitigate sexual abuse in war, noting that “women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group”.⁵⁹ Resolution 1820 represents the first UN condemnation of sexual abuse as both a war crime *and* a weapon of war, moving beyond general recognition of women’s disproportionate suffering to the notion that sexual abuse is a deliberate tactic of war. Resolution 1820 was also the first Security Council resolution to state directly a prohibition of sexual misconduct by peacekeeping staff and to call on troop- and personnel- contributing member states to train personnel on gender issues and to respond to instances of misconduct. In 2009, the Security Council adopted Resolutions 1888 and 1889, which built on Resolution 1820 with more specific measures fostering gender mainstreaming in post-conflict reconstruction. These measures involve creating Special Representatives and Special Envoys of the Secretary General tasked with addressing sexual abuse in conflict, including Women’s Protection Advisers in peacekeeping missions, reiterating the need for states to deploy more women peacekeepers, and charging the Secretary General with the task of creating a full report of progress made and remaining improvements after Resolution 1325.⁶⁰

Resolutions 1325, 1820, 1888, and 1889 demonstrate that the UN and its member states and partner organizations have begun to pay attention to wartime sexual abuse to a greater extent than ever before. That the increased recognition of sexual abuse is the result of the atrocities committed in Bosnia and Rwanda (and, to some degree, a result of the UN’s embarrassment over peacekeepers’ misconduct) leaves the nascent anti-sexual abuse norm in a precarious position:

⁵⁹ S/Res/1820 (2008). 1.

⁶⁰ United Nations Security Council. 30 September 2009. Security Council Resolution 1888. S/Res/1888. < [< http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1888\(2009\)>](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1888(2009))>
United Nations Security Council. 5 October 2009. Security Council Resolution 1889. S/Res/1889. < [< http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1889\(2009\)>](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1889(2009))>

conceptualizing sexual abuse in terms of “rape as a weapon of war” or genocidal rape has the potential to limit recognition and condemnation to a certain subset of armed conflicts and to obscure victims who do not conform to these narrow definitions (such as Hutu women raped in the course of the Rwandan genocide). The international community certainly does not condemn wartime sexual abuse in all cases and with equal emphasis, which is perhaps due to the norm’s somewhat narrowly conceived basis. The next section explores the puzzling variation in the international community’s response to wartime sexual abuse.

Variation in Recent Cases: The Puzzle of the International Response

If, as one scholar observes, “international norms have clearly changed in regard to wartime sexual violence”,⁶¹ then how might we explain the fact that international actors do not respond equally to all cases of strategic or incidental wartime sexual abuse?

Time is a tempting explanation for observed variation: we might consider making the argument that more recent cases will always receive greater recognition than older cases of wartime sexual abuse. Yet, not all older occurrences went wholly unrecognized, especially in the immediate aftermath of the conflict. For instance, the mass rape of Bengali women by Pakistani forces was widely publicized from 1971 until 1973. The government of Bangladesh even went as far as proclaiming survivors of sexual abuse ‘war heroines’ and attempting to match them with employment opportunities or spouses to overcome the social stigma of rape.⁶² Discussion was eventually stifled; public recognition of the systematic rapes ceased between 1973 and 1992, after which point it was renewed by the growing attention paid to rape as a war crime.⁶³

⁶¹ Alison, 83.

⁶² Nayanika Mookherjee. 2006. “‘Remembering to forget’: public secrecy and memory of sexual violence in the Bangladesh war of 1971.” *Journal of the Royal Anthropological Institute* 12:433-450.

⁶³ *Ibid.* 436.

There is also definite variation in the international reaction to more modern conflicts, as illustrated by the response to Sudan's genocidal rape campaign and the non-response to widespread sexual abuse in the civil conflicts in Uganda and Sierra Leone.⁶⁴ One explanation for this puzzling variation is the narrow conception of sexual abuse in terms of rape as a weapon:

Since genocides in the former Yugoslavia and in Rwanda were the contexts in which a broader public began to think about widespread sexual violence in war, it became common in the popular media to link rape to genocide, not to armed conflict more generally. The fact that sexual violence in the genocidal conflict in Darfur/Sudan has received more publicity in U.S. news outlets than the rampant sexual violence in many other contemporary and very recent conflicts (Sierra Leone, Uganda) may reflect the greater 'recognizability' of sexual violence in connection with genocide.⁶⁵

Although the concept of 'rape as a weapon' evoked international reactions to sexual abuse carried out in the genocides in Rwanda and Bosnia and arguably formed a tipping point after which an anti-sexual abuse norm began to gain strength, the narrow understanding of sexual abuse committed as a military strategy against one type of victim imposes serious limitations on the international understanding of wartime sexual abuse.

In their discussion of the life cycle of a norm, Finnemore and Sikkink identify four stages from emergence through internalization. The second stage, the tipping point or threshold, is the point after which an international norm becomes "institutionalized in specific sets of international rules and organizations."⁶⁶ Consideration of sexual abuse in war began to take hold in the late-1990s and early 2000s; the atrocities in Rwanda and Bosnia gave women's human rights advocacy networks a frame through which they could convincingly articulate their cause. As a result of media attention and transnational advocacy, the international tribunals for the

⁶⁴ Heineman, 11.

⁶⁵ *Ibid.*, 11.

⁶⁶ Martha Finnemore and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 900.

Former Yugoslavia and Rwanda prosecuted rape as a war crime, setting a precedent which previous tribunals had been unwilling or unable to accomplish.⁶⁷

After World War II, women's rights groups found a limited forum within the United Nations bureaucracy.⁶⁸ Non-governmental organizations had consultative status and worked on matters such as women's status, women's participation in the UN system, or women and development.⁶⁹ The notions of women's rights and human rights remained wholly separate until the early 1990s.⁷⁰ While the UN Decade for Women (1975-1985) resulted in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the document did not mention sexual abuse as a violation of women's rights in any of its statutes.⁷¹ Cold War power politics stifled discussion of human rights, generally speaking, and women's groups encountered difficulties in promoting the notion of women's human rights until the late 1980s and early 1990s. Anti-sexual abuse advocacy began to gain traction in the mid-1990s when the world had a front-row seat to images of sexual abuse against civilians during the Bosnian and Rwandan genocides. Sexual abuse as a violation of women's human rights became an object of focus during the UN Conference on Women in Beijing in 1995.⁷² That same year, the United Nations Human Rights Council created a Special Rapporteur on violence against

⁶⁷ The ICTR set a precedent for prosecuting rape as a war crime when it sentenced Jean-Paul Akayesu to life imprisonment, including in the list of charges rape and the condoning of rape by the military and militias.

International Criminal Tribunal for Rwanda. 2 October 1998. "Jean-Paul Akayesu Sentenced to Life Imprisonment." ICTR/INFO-9-2-142. Available:

<<http://www.unictr.org/tabid/155/Default.aspx?ID=472>> Accessed 11 February 2011.

World War II tribunals did not prosecute rape because the Allies hesitated to prosecute crimes which they themselves had also committed. See Harrington, 89.

⁶⁸ Harrington, 72-96.

⁶⁹ *Ibid.* 90.

⁷⁰ *Ibid.* 96-97.

⁷¹ *Ibid.*, 95. Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press. 166.

⁷² Keck and Sikkink, 166.

women.⁷³ The atrocities committed in Bosnia and Rwanda allowed advocates to frame wartime rape as a traumatic violation of women's human rights.⁷⁴

While Bosnia and Rwanda provided women's human rights advocates with a tipping point for an anti-sexual abuse norm, the unintended consequence of the frame is that wartime sexual abuse is strongly associated in the international consciousness with genocide rather than with armed conflict in general. That the atrocities perpetrated in Bosnia and Rwanda have been singled out as landmark occurrences is not only problematic for international recognition of future non-genocidal strategic sexual abuse, but also for our reading of past cases. Miranda Alison contends that describing the strategic sexual abuse in these wars as unprecedented is "fundamentally historically inaccurate."⁷⁵ Rape was always an effective war strategy, it just became "self-consciously so" in the twentieth century.⁷⁶ What we are left with, then, is an anti-sexual abuse norm built upon a very limited conception of sexual abuse as a strategy (of genocide) and aimed at one type of victim (the weaker or targeted side's women). This leaves other instances of wartime sexual abuse—incidental sexual abuse and non-genocidal strategic sexual abuse—without a frame through which international actors can view and respond to them.

Factors other than the norm's initial frame may also be at work. The dissertation will explore three other potential explanations for variation in the international response to wartime sexual abuse. The first explanation looks at the role of the perpetrator, specifically analyzing the response to cases in which strong states' militaries (US and coalition troops in Iraq and Afghanistan) or UN personnel (peacekeepers in DRC or Sierra Leone) committed abuse, positing a stifled response in the case of strong state perpetrators and a rhetorical or weak response in the

⁷³ Alison, 83.

⁷⁴ Harrington, 121.

⁷⁵ Alison, 82.

⁷⁶ Ibid. 82.

case of UN personnel. The second explanation argues that variation in the international response depends on the extent to which multiple parties to the conflict employ sexual abuse; condemnation, under this hypothesis, relies on the international community's ability to form a concrete picture of the perpetrator/victim dynamic. The third explanation discusses the role of a third party's strategic interest in the conflict, arguing that condemnation is more likely to occur when an outside state or organization has a motivation for labeling one or more parties to the conflict as the "bad guy" (as is the case in US condemnation of government forces in Libya employing rape as a strategy of war, despite the use of rape by both sides). The fourth explanation, laid out above, posits that an incomplete norm based on a narrow foundation explains variation in the international response to sexual abuse. These four explanations are examined against two arguments, null hypotheses based on convention wisdom, that posit a fundamental change in the nature of war such that sexual abuse is more common in recent years and international enlightenment regarding sexual abuse in war such that recognition and condemnation are consistent in recent years.

Concluding Thoughts

The preceding discussion has laid the foundation for the dissertation's exploration of the international response to sexual abuse in war by introducing the ubiquity of sexual abuse, the emergence of international discussion of sexual abuse in war, and variation in the international response to sexual abuse. Remaining chapters will discuss the theory and methodology, selected case studies, and a comparison of the development of other human rights or anti-weapons norms and the anti-sexual abuse norm.

Pursuing the puzzle of the international response to wartime sexual abuse has implications for the larger literature on gender in IR as well as constructivist studies of norm

creation and internalization. To date, gender has had a very limited place within mainstream IR, due in large part to its close ties with the feminist research program. As gender is, at its core, merely a power dynamic, it is not at all unrelated to the core concepts studied in IR. Tying gender to an issue that is already considered to reside squarely within mainstream IR, such as war, serves to explore avenues for integration. There appears to be a growing interest in women and war, gender and war, and sexual abuse in war. These research threads would benefit greatly from engagement with the insights of mainstream IR, and vice versa. In addition, the limitations imposed by the ‘rape as a weapon of genocide’ frame discussed in this paper may help to illustrate why some norms fail to reach the cascade stage, as the case appears to be with the anti-sexual abuse norm. Insights on the limited response to non-genocidal strategic sexual abuse and incidental sexual abuse will tie in nicely with new research on agenda setting and agenda vetting,⁷⁷ or the way in which transnational advocates choose the issues they will pursue. The question of when and why the international community responds to some cases of wartime sexual abuse and not to others is a fundamentally normative question, but its normative leaning does not jeopardize its conceptual and empirical rigor. We have much to learn from a study of what types of atrocities ‘matter’ to international actors; this dissertation attempts to take a first step toward ascertaining an answer.

⁷⁷ See R. Charli Carpenter, 2007. “Setting the Advocacy Agenda: Theorizing Issue Emergence and Nonemergence in Transnational Advocacy Networks.” *International Studies Quarterly* 51: 99-120. R. Charli Carpenter. 2011. “Vetting the Advocacy Agenda: Network Centrality and the Paradox of Weapons Norms.” *International Organization* 65: 69-102.

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