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Author(s): R. Charli Carpenter

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‘Women and Children First’: Gender, Norms, and Humanitarian Evacuation in the Balkans 1991–95

R. Charli Carpenter

Abstract Of all noncombatants in the former Yugoslavia, adult civilian men were most likely to be massacred by enemy forces. Why, therefore, did international agencies mandated with the “protection of civilians” evacuate women and children, but not military-age men, from besieged areas? This article reviews the operational dilemmas faced by protection workers in the former Yugoslavia when negotiating access to civilian populations. I argue that a social constructivist approach incorporating gender analysis is required to explain both the civilian protection community’s discourse and its operational behavior. First, gender beliefs constitute the discursive strategies on which civilian protection advocacy is based. Second, gender norms operate in practice to constrain the options available to protection workers in assisting civilians. These two causal pathways converged in the former Yugoslavia to produce effects disastrous to civilians, particularly adult men and male adolescents.

Larry. No men under sixty, ok?

UNPROFOR General Morrillon to UNHCR official Hollingworth,
Srebrenica, 1993.

Of all war-affected noncombatants worldwide, those most at risk of summary execution are adult civilian males.¹ The propensity of belligerents to single out adult men for massacre has now been documented in dozens of ongoing conflicts.² More often than women, children, or the elderly, military-age men are assumed to be

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1. See United Nations 1999a; and Jones 2000.

2. The most comprehensive source for such data is the human rights watchdog group Gendercide Watch, whose website contains extensive case literature and news reports. See <<http://www.gendercide.org>>.

“potential” combatants and are therefore treated by armed forces as if they are in fact legitimate targets.³

International agencies mandated with the protection of war-affected civilians generally aim to provide protection in a neutral manner, but when necessary they prioritize the protection of the “especially vulnerable.” According to the professional standards recently articulated by the International Committee of the Red Cross (ICRC), “special attention by organizations for specific groups should be determined on the basis of an assessment of their needs and vulnerability as well as the risks to which they are exposed.”⁴ If adult men are most likely to lose their lives directly as a result of the fall of a besieged town, one would expect that, given these standards, such agencies would emphasize protection of civilian men in areas under siege by armed forces. Nonetheless, in places where civilians have been evacuated from besieged areas in an effort to save lives, it is typically women, children, and the elderly who have composed the evacuee populations.⁵

Consider the wars of secession in the former Yugoslavia. Of the 18,000 missing persons after the wars, the ICRC estimated that 92 percent were men and only 8 percent women.⁶ Although many died as soldiers, reluctant conscripts, or in detention and forced labor camps, others were the victim of highly discriminate massacres in which military-age male civilians were separated from women, children, and the elderly and executed while the latter were permitted to flee.⁷ This pattern was established early in the war within towns that had fallen to the Bosnian Serb Army (BSA). When the debate over whether to evacuate began, senior protection officers at the United Nations High Commissioner for Refugees (UNHCR) insisted that only persons facing “an acute, life-threatening situation” should be evacuated.⁸ “Our responsibility, as we see it, is to alleviate the suffering of vulnerable groups,” read a UNHCR field report in December 1993.⁹ Yet when humanitarian agencies later began to evacuate “vulnerable” civilians en masse from war zones, the evacuees were nearly always women, children, and the elderly. Able-bodied “military-age” male civilians (precisely those civilians most likely to be killed or detained on suspicion of engaging in hostilities) were almost never given safe passage along with their families. Why?

Below, I argue that a social constructivist approach incorporating gender analysis is required to explain both the discourse and behavior of actors in the *civilian*

3. See Lindsey 2001, 29; and IASC 2002, 175.

4. Caverzasio 2000, 67.

5. For example, see UNHCR Briefing Notes, “Georgia: Chechen Airbridge Evacuation Complete,” 17 December 1999; *ICRC News*, “Yugoslavia/Kosovo: ICRC Assists Civilians Caught up in Clashes,” 11 March 1999; and *ICRC News*, “Former Yugoslav Republic of Macedonia: Over 300 Civilians Evacuated,” 13 June 2001.

6. Gendercide Watch, “Case Study: Bosnia-Herzegovina” available at (http://www.gendercide.org/case_bosnia.html). Accessed 20 October 2002.

7. Helsinki Watch 1992/1993.

8. Quoted in Minear et al. 1994.

9. See *UNHCR Update*, December 1993, xii.

*protection network.*¹⁰ By this I mean the transnational community of citizens, journalists, protection organizations, and statespersons who, believing that civilian immunity norms should be respected, aim at the more widespread implementation of those norms, through persuasion or purposeful action.¹¹ Gender ideas are embedded in both the category “innocent civilian” and the category “especially vulnerable.” These ideas exert constitutive effects on the discourse and regulative effects on the behavior of actors within the network.

Sex-Selective Killing and Protection: A Gender Constructivist Approach

While gender analyses in international relations (IR) have traditionally been associated with feminism,¹² the use of gender as an explanatory framework does not necessitate a simultaneous feminist perspective or an emphasis on women’s needs and interests.¹³ In seeking to integrate gender into forms of ideational analysis more familiar to neoliberals and conventional constructivists, this study departs from most IR feminism in several ways. First, I use gender primarily as an analytical tool rather than a means of critiquing or destabilizing gender hierarchies.¹⁴ Second, whereas IR feminism has often problematized the traditional research agenda of international relations,¹⁵ “gender constructivism” as attempted here aims to advance that very agenda: the dependent variable is not women’s emancipation or gender equity per se, but the emerging civilian protection network and its operational strategies. Third, while recognizing the impact of gendered assumptions on women, I take equal account of the extent to which adult men are rendered vulnerable by gendered institutions and norms.

Explanatory gender analysis involves (1) demonstrating that a taken-for-granted belief about men and women is actually socially constructed rather than biologically inherent; and (2) demonstrating that those adhering to the belief act differently than they would in the absence of the belief. Gender beliefs—here, the socially constructed and often misleading belief that women and children, but not adult men, are noncombatants—produce sex-selective behavior, such as massacres that target adult men and humanitarian evacuations that rescue women, children, and the elderly. The point of this study is to unpack the conceptual misfit between these actions and explain both how they have come to pass and how they have come to be seen as so unquestionable.

10. Minear 2002, 5.

11. Keck and Sikkink 1998.

12. See Zalewski 1995, 341; Peterson 1992, 1; Whitworth 1994, 39; and Keohane 1991, 45.

13. Carpenter 2002a. See, however, Carver forthcoming.

14. Many IR feminists consider critique a constitutive aspect of feminist theorizing. See Whitworth 1994, 2; Steans 1998, 15; Cockburn 2001, 16; Locher and Prugl 2001; and Kinsella forthcoming.

15. See Enloe 2000; Peterson 1992; and Tickner 2001, 139.

Sex-Selective Killing of Men and Older Boys in the Balkans

Ethnic cleansing of Bosniacs¹⁶ and Croats by the Bosnian Serb Army (BSA) and paramilitary forces, backed by the Yugoslav National Army (JNA), followed a characteristic pattern discernible from the earliest periods of the Balkan wars.¹⁷ First, the BSA and JNA troops would surround and blockade whichever town was to be attacked. Supplies to the town would be cut off, and indiscriminate shelling would commence. When resistance flagged, Bosnian Serb paramilitaries would enter the town on foot.

Unlike the siege itself, the violence of the irregulars during the fall of a town was discriminate and highly systematic. Militiamen would begin by publicly torturing and executing the settlement's political and cultural elite.¹⁸ Of the remaining population, women, children, and the very old were typically permitted to flee or forcibly deported, experiencing varying degrees of harassment along the way.¹⁹ Wounded men were sometimes evacuated as well, usually as part of a prisoner exchange facilitated by the ICRC.²⁰ Younger women were frequently singled out for rape, some transported to concentration camps and held for indefinite periods; some were killed after being raped.²¹ Able-bodied males between the ages of sixteen and sixty were sometimes also detained, usually to face torture, forced labor, and possibly death. However, adult males were instead frequently killed on the spot.²² In general, wherever villages fell to the BSA, unarmed adult men and older boys were most likely to immediately lose their lives.²³

The argument is not that women, children, and the elderly did not suffer. Forced displacement itself is a crime, and in the Balkans it occurred in particularly atrocious circumstances.²⁴ As noted, women were targeted for sexual torture and were not always spared death.²⁵ However, one's chances of at least surviving the siege and fall of a town was typically much higher for women (and higher yet for slightly older women with small children) than for males between sixteen and sixty. Given

16. The term "Bosniac" designates Bosnian Muslims and reflects both local terminology and the fact that affiliations after the onset of the war were ethnic rather than religious. I use the term "Bosnian" to refer to all the people living in the disputed territory of Bosnia-Herzegovina during the war, including Bosniacs, Bosnian Serbs and Bosnian Croats, and to the Sarajevo-based government.

17. On the history of the wars, see Rogel 1998; Cigar 1995; and Burg and Shoup 1999.

18. See Maas 1996, 39; and Silber and Little 1996, 244.

19. Although this was the general pattern, there were plenty of examples of seemingly more indiscriminate killing as well. See Wilmer 2002.

20. Mercier 1994.

21. Stiglmeier 1994. Although women and girls of child-bearing age were at the greatest risk of sexual violence in Bosnia, women of all ages, as well as men and boys, were sexually abused during the war. See Askin 1997.

22. See Ball 1999, 128; Johnson 1999, 150; Honig and Both 1997, 4; and Danner 2000, 58.

23. Jones 2000. I disagree with Jones that the sex-selective targeting of males of a particular ethnic group constitutes genocide against men. See Carpenter 2002b.

24. For example, several women and children were crushed to death during the 1993 mass evacuation from Srebrenica.

25. For an empirical study of the way in which Bosnian women experienced violence during the war, see Nikolic-Ristanovic 2000.

the particular vulnerability of men and boys to slaughter in this context, why were protection workers leaving civilian men and boys behind while rescuing other civilians from besieged areas?

Sex-Selective Evacuation of Women and Younger Children in the Balkans

At the onset of the wars, protection agencies in the region did not have a specific mandate to evacuate civilians per se.²⁶ Indeed, it was unclear during the Bosnian experience precisely what “protection of civilians” meant in the context of ethnic cleansing.²⁷ The UNHCR and the ICRC were initially engaged primarily in the delivery of relief and monitoring and discouraging violations of humanitarian law.²⁸

While some organizations such as the United Nations International Children’s Emergency Fund (UNICEF) are mandated to target protection toward specific groups, both UNHCR and ICRC subscribe to the basic humanitarian principle of impartiality.²⁹ In cases where resources or opportunities were limited however, the agencies would fall back on the “reverse-triage” principle of prioritizing the most vulnerable. A UNHCR field manual describes the relationship between these principles in the following words:

Humanitarian assistance should be provided without distinction. Relief must address the needs of all individuals and groups who are suffering, without regard to nationality, political or ideological beliefs, race, religion, sex or ethnicity. Needs assessment and relief activities should be geared toward priority for the most urgent cases.³⁰

In the latter cases, the goal was to “determine on the basis of an assessment of needs and vulnerability as well as risks to which [civilians] are exposed.”³¹ According to Senior UNHCR Protection Officer Wilbert Van Hovell, these were the main criteria for evacuation in particular: protection officials should determine “whether the persons are in an acute, life-threatening situation weighed against various local constraints and possible adverse consequences.”³²

While the ICRC would often arrange for medical evacuations of the wounded (usually in exchange for prisoners elsewhere), mass evacuations of “vulnerable groups” developed only gradually as a response to protection agencies’ inability

26. UNHCR 2000. The ICRC does customarily evacuate wounded and sick, civilians and combatants, from war zones as mandated by the First Geneva Convention. See Harroff-Tavel 1993, 195–220.

27. Reiff 1995, 209.

28. See Loescher 2001; Berry 1997; and ICRC 1995.

29. Weller 2000.

30. Wolfson and Wright 1994, 7.

31. Caverzasio 2000, 67.

32. Quoted in Minear et al. 1994, 67.

to protect civilians *in situ*.³³ A few small evacuations had taken place early in the war. Typically some women and children might be allowed out along with wounded, space permitting. It was after the mass evacuation from Srebrenica in 1993 that the protection community resigned itself to the doctrine of “helping people move” en masse, which continued as late in the war as the fall of the eastern enclave of Zepa.³⁴

Two kinds of mass evacuation scenarios occurred in the Balkans.³⁵ Evacuations of women, children, and the elderly during the fall of a town were sometimes carried out by the conquering forces themselves, and there was seldom room to negotiate terms at that point. For example, in 1991 the ICRC arrived during the fall of Vukovar, an eastern Croatian town that had until then survived eighty days of shelling.³⁶ The JNA was deporting women, children, and the elderly and killing or arresting the adult men, including many hospital patients.³⁷ ICRC delegates had been permitted in to evacuate wounded and sick from the hospital but found that the JNA did not honor the agreement. Rather, women, children, and the elderly were being bussed away and both civilian and war-wounded men were being detained, and/or shot.³⁸ Although the ICRC delegates made efforts to monitor what was happening to the men as well as to protest the deportations, the delegates were unsuccessful in preventing a massacre, and it is not clear what else they might have done.³⁹

In “preemptive” evacuations, protection workers had more agency. For example, in April 1993, UNHCR evacuated several thousand women and children, along with wounded, from the enclave of Srebrenica, which was blockaded and under bombardment.⁴⁰ Because the town had not yet fallen, men and boys were not under imminent threat of attack: only two years later would approximately 8,000 males perish at the hands of the BSA. However there were serious concerns that the enclave was shortly to fall, as BSA forces had recently overrun two other enclaves at Konjevic Polje and Cerska.⁴¹ Moreover, because shelling killed indiscriminately, men stood no less an imminent risk of death or dismemberment than anyone else.⁴² Although some of the able-bodied males of Srebrenica were fighters, many were the same civilian husbands, fathers, and older brothers who would end up in mass graves two years later. By 1993, protection workers were already

33. Minear et al. 1994.

34. See Reiff 1995; and Harland 1999.

35. My use of the term is limited to mass evacuations of groups from besieged cities, excluding medical evacuation of sick or wounded individuals: these cases do not concern civilian protection as such.

36. Neier 1998.

37. Stover and Peres 1998.

38. Silber and Little 1996, 180.

39. Mercier 1994.

40. UNHCR 2000.

41. Phone interview, former UNHCR field officer, October 2002.

42. Vulliamy 1994, 276.

aware that once a town fell to the BSA, men and boys were the most likely to be executed. Their mandate was to evacuate the most vulnerable civilians. Why did women, children, and the elderly, but not “military-age” civilian men, gain access to UNHCR evacuation convoys out of the enclave?

Why Conventional Explanations Fail

Few commentators on humanitarian evacuation in the Balkans have questioned this operational pattern.⁴³ The conventional wisdom is that women, children, and the elderly actually were the most vulnerable populations and thus were (rightly) prioritized for humanitarian assistance on the basis of their vulnerability.⁴⁴ Another, related hypothesis is that most adult men in internal conflicts actually are mobilized as combatants, and therefore, whatever fighting men’s risk of mortality, “civilian” protection policies apply primarily to other demographic groups.⁴⁵ If either explanation is valid, then sex-selective assistance policies would be perfectly rational, given the mandate of civilian protection agencies to (1) protect civilians, rather than combatants, and (2) apply a “reverse-triage” approach, assisting the most vulnerable first.

But neither of these suggestions conforms to the facts within war-affected regions in general, nor in the specific context presented here. First, there is no evidence that all, or even the majority, of “military-age men” are actually engaged in direct military activities within war-affected regions. While there are no reliable global statistics on the proportion of men who are mobilized in internal conflicts, the number of men that go into hiding to avoid conscription or are killed unarmed suggests a large population of unarmed adult male noncombatants in any particular context.⁴⁶ John Mueller has argued that ethnic wars today are carried out by small groups of “thugs” rather than mass armies, leaving a majority of adult men and older boys in the civilian sector.⁴⁷ Even in Bosnia, with its tradition of universal conscription and peoples’ war, mass resistance to conscription characterized the conflict: approximately 700,000 people had fled to avoid conscription at the war’s onset, and more than 9,000 charges of desertion were initiated in 1992 alone.⁴⁸

Neither are women always more vulnerable to all forms of attack than adult men. At a general level, while small children and the elderly (along with the sick, wounded, and disabled) possess intrinsic vulnerabilities, this is not uniformly true of adult women nor of older children (boys and girls).⁴⁹ The assumption of women and children’s vulnerability is often justified by their lack of access to arms.

43. The notable exception was Adam Jones’s 1994 article.

44. For examples, see Mertus 2000, 6; and Amnesty International 1998, 1.

45. For example, see Cockburn 2001, 21.

46. Jones 2000.

47. Mueller 2000.

48. Wilmer 2002, 157.

49. Lindsey 2001, 28.

However, although to a lesser extent than adult men, adult women and older children often participate in hostilities alongside male fighters and irregulars.⁵⁰ With respect to Bosnia, a UNHCR official told me, “some of the most gifted fighters in the region were women.”⁵¹

Women, girls, and younger boys are vulnerable in particular to specific forms of attack such as sexual violence, and to exploitation and deprivation that accompanies displacement, as they are more likely than men to flee besieged areas.⁵² They are also no less vulnerable than anyone else to indiscriminate attacks such as shelling. However, in cases where adult men and older boys are singled out for execution, adult women and younger children are the least vulnerable to direct, lethal attack. In the Balkans for example, one witness reported a paramilitary gunman announcing: “‘The women and children will be left alone’ . . . as for the Muslim men, he ran his finger across his throat.”⁵³

Thus, neither relative invulnerability nor combatant status explains the neglect of men by the civilian protection community in the Balkans. A more promising avenue of inquiry is to examine the ideas about gender roles in armed conflict held collectively by the players in these contexts. Adam Jones has postulated that the international community routinely overlooks the specific vulnerabilities of civilian men in complex emergencies.⁵⁴ He discusses the exclusion of men from evacuation convoys as emblematic of this broader problem. Although his treatment of evacuation is primarily descriptive, he suggests that prescriptive gender-based norms guided the behavior of belligerents, war-affected populations and protection workers alike: “The ‘women and children first’ rule seems as operative among besieged populations as it once was for ocean-liner passengers abandoning ship.”⁵⁵ While I agree with Jones that gender analysis is indispensable to explaining this pattern, his claim requires more systematic assessment. Precisely how did gender beliefs associating women and children with innocence and vulnerability operate so as to channel only certain civilians onto evacuation convoys?

Methodology

As Lake and Powell have observed, it is all too easy for constructivists to take norms as a given when conducting research.⁵⁶ Thus I first evaluate whether gen-

50. See Moser and Clark 2000; Lindsey 2001; Seager 1997; and Bennett, Bexley, and Warnock 1995.

51. Personal interview, October 2002; see also Kesic 1999, 188.

52. Mertus 2000. This was particularly the case in Bosnia: see UNHCR-UNICEF-WHO 1992, 5. Women and children are also disproportionately hit by the longer-term health effects of armed conflict, against which there is little protection in international humanitarian law. See Ghobarah et al. 2003; and Gardam and Jervis 2001.

53. Quoted in Honig and Both 1997, 76.

54. Jones 2002a.

55. Ibid.

56. Lake and Powell 1999, 33.

der beliefs indeed are embedded within the two concepts most central to the moral language of the civilian protection network: the “innocent civilian” and the “especially vulnerable.” While Helen Kinsella has argued that gender is constitutive of the very civilian/combatant distinction, I make a more limited claim.⁵⁷ Gender constitutes not these concepts themselves but the sociolinguistic practices through which the concepts are deployed in international society.

These findings are based on a review of scholarship and legal arguments on the norm of noncombatant immunity, as well as a content analysis of the language used in the United Nations (UN) Security Council to discuss the protection of civilians in armed conflict. I compare the assumptions embedded in these language practices to the actual sex-distributions of combatancy and vulnerability in contemporary armed conflicts to argue this is idea-based discourse rather than simply descriptive of reality.

Mainstream IR theorists want to know more than why actors think and speak as they do. For many, the most interesting question is how these ideas then generate political outcomes different from those that would be expected in their absence. Thus, the second section below examines the regulative effects of gender on protection agencies’ policy-preferences with respect to evacuation of civilians from besieged areas.⁵⁸ Beginning with the Jones hypothesis, I develop several other possible explanations for the sex-selective evacuation procedures. These competing explanations are then evaluated through a critical reexamination of the 1993 evacuation of Srebrenica.

The causal analysis is based on historical accounts and diplomatic records, supplemented with a series of in-depth interviews with UNHCR and ICRC staff between May and December 2002. These organizations were the most actively involved in the former Yugoslavia during the period in question.⁵⁹ More importantly, UNHCR and the ICRC have also engaged in the greatest process of critical self-reflection and analysis regarding the ethics of humanitarian evacuation as a civilian protection mechanism.⁶⁰

While many examples of humanitarian evacuation have been mentioned, the case of the first Srebrenica crisis (1993) is examined in greater depth for two reasons. First, as the most high-profile mass evacuation, there is a fair amount of available evidence on which to base analysis. Second, I am interested in cases where protection workers had some agency in negotiating the terms of evacuation. Emphasizing Srebrenica means generalizability is limited: for example, Srebrenica was more politicized than other humanitarian operations and was larger

57. Kinsella 2003.

58. Policy-preferences (or “preferences over strategies”) should be distinguished from “preferences over outcomes”: the latter is independent of the immediate strategic context, whereas the former refers to the ranking of strategic options for achieving preferred outcomes given the constraints of a particular scenario. See Frieden 1999, 46–47; and Moravcsik 1997.

59. Minear et al. 1994, 42.

60. See Caverzasio 2000; ICRC 1995; and UNHCR 2000.

in scale than many other ad hoc evacuations. However, the public nature of the evacuation poses an advantage in examining the manipulation of moral argument and the impact this had on decision-making behavior. Moreover, by tracing the logic behind this evacuation, one can draw some conclusions about the conditions under which this logic would apply elsewhere.

Those interviewed included headquarters staff in both UNHCR and ICRC, and protection workers formerly engaged in field operations in the Balkans between 1991–95, including several of those present for the 1993 evacuation of Srebrenica. A few additional interviews were held with personnel outside these agencies, in particular officials from the former UN Protection Forces in Bosnia (UNPROFOR). While this does not represent a cross-section of the organizations involved, the data gathered provides a useful supplement to the picture that emerges from written accounts. These interviews were constructed so as to gauge whether sex-selective evacuation strategies could be attributed directly to gender beliefs or to more complex strategic factors involved in negotiating access to besieged populations. Quotations of individuals by name are used only with their permission.

Constitutive Effects: Gender, Norms, and the Protection of Civilians

In this section, gender is employed as a category of analysis for evaluating the norm of civilian immunity and the protection discourse it has enabled. I follow Peterson and some standpoint feminists in distinguishing gender (social beliefs) from sex (biological characteristics).⁶¹ Gender refers to the culturally constructed beliefs that regulate relations between and among men and women, manifest at various levels of social organization.⁶² Thus, I have called the singling out of men for execution “sex-selective massacre” while I call the innocent civilian a “gendered” concept.

Following Krasner, I see *norms* as “standards of behavior defined in terms of rights and obligations,” distinct from more specific *rules*: “prescriptions or proscriptions for action.”⁶³ Norms provide an intersubjective context in which discourse and behavior are interpreted and either condoned or condemned by third parties.⁶⁴ As general standards, norms are codified and (sometimes) implemented in the form of specific rules, which actors then choose to obey, break, or redefine.⁶⁵ For example the civilian immunity *norm* is expressed in Article 13 of the 1st Additional Protocol to the Geneva Conventions: “The civilian population and individual civilians shall enjoy general protection against the dangers arising from

61. Peterson 1992, 17.

62. Cockburn 2001.

63. Krasner 1983, 2.

64. Kratochwil and Ruggie 1986.

65. Onuf 1998.

military operations.”⁶⁶ This general standard has generated numerous specific *rules* including limits on attacks against civilians, an obligation of belligerents to distinguish themselves from the civilian population, and an obligation of civilians to refrain from hostilities, among others.⁶⁷ In this section, my focus is less on complicity with specific rules as it is on the broader normative meanings within the regime. I turn later to the manner in which norms generate specific configurations of prescriptive rules that then exert regulative effects. For now I am interested primarily in what the concept of the “innocent civilian” means to actors engaged in the protection of war-affected populations.

Norms may relate to configurations of gender in several ways. “Gender norms” explicitly define appropriate relations between and among men and women: for example, the norm that men should protect rather than harm women translates into the rule for boys “don’t hit girls.” Other norms may be ostensibly sex-neutral but possess a gender bias, applying to men and women differently. For example, the norm “dress appropriately” applies to everyone, but what it means will vary according to sex. Moreover, in addition to their directive aspect, norms also contain *parameters*, which define the conditions under which the norm’s prescriptions or proscriptions are expected to be upheld.⁶⁸ Seemingly sex-neutral norms may encode gender if the conditions under which they are held to apply vary according to the sex of those in question. For example, norms against sexual promiscuity are routinely criticized as exhibiting such a double standard.

The distinction between “gender norms” and “gendered” norms is important because gender beliefs exert a constitutive effect only on the former. According to Wendt, “ideas . . . have constitutive effects when they create phenomena that are conceptually or logically dependent on them.”⁶⁹ Norms regulating gender relations are constituted by the gender beliefs that underlie them. However, the norm “dress appropriately” is not itself logically dependent on a gender bias existing within the norm. Such gender beliefs might, however, exert a constitutive effect on the *practices* (such as sex-differences in appropriate dress) that then perpetuate and normalize such bias. As I argue below, the use of language is such a practice whose form may be constituted by embedded gender beliefs.⁷⁰

The civilian immunity norm is not a “gender norm.” Rather it is a sex-neutral norm protecting those not taking a direct part in hostilities at a given time. However, the immunity norm is gendered insofar as women and children are more likely than men to be associated with civilian status. While in principle all civilians are to be protected on the basis of their actions and social roles, in practice only certain categories of the population (women, children, elderly, sick, and disabled) are presumed to be civilians regardless of the context.⁷¹

66. Quoted in Bouchet-Saulnier 2002, 46.

67. Kalshoven 2001.

68. Shannon 2000.

69. Wendt 1999, 88.

70. Fierke 1996.

71. Carpenter 2003.

This discourse is evident throughout the development of the immunity norm. During the Enlightenment, to which modern laws of war are traced, the immunity of women and children informed jurists' discussion on the civilian/combatant distinction.⁷² For Vattel, the innocent included "women, children, feeble old men and the sick";⁷³ Grotius expanded these categories include "not only women and children but also all men whose way of life is opposed to war-making."⁷⁴ Decades before Grotius, Gentili had devoted an entire chapter of his work to the immunity of women and children from attack.⁷⁵ Although the innocence of noncombatant men was a matter of argument, hinging on occupational status, women's and children's innocence was treated, both by these writers and later commentators, as "self-evident," or, in Vitoria's words, an "objective material fact."⁷⁶ According to Francisco Suarez, writing in the early seventeenth century, "it is implicit in natural law that the innocent include children, women and all unable to bear arms."⁷⁷

As previously noted, such assumptions are idea-driven behavior as they do not reflect the historical record of women's participation in combat. It was never women's inherent "inability to bear arms" but their socially constructed disinclination to do so that accounts for disparity between male and female fighters, and this disparity has rarely been absolute.⁷⁸ Thus, both the sociolegal exclusion of women from combat and the assumption that they, therefore, do not fight are social constructs.

If adult women have been presumed "civilian" even when they were not, adult men have been positioned as "presumptive combatants," regardless of their actual societal roles.⁷⁹ Of the Enlightenment theorists, Vitoria made this argument most forcefully: "Everyone able to bear arms should be considered dangerous and must be assumed to be defending the enemy king: they may therefore be killed unless the opposite is clearly true."⁸⁰ With regard to noncombatants, defined according to "objective criteria," (first and foremost age and sex) the presumption was innocent until proven guilty; but with regard to "combatants," the early jurists sought proof of "innocence" to spare life rather than proof of guilt to take it. Suarez wrote, "Human judgement [sic] looks upon those able to take up arms as having actually done so."⁸¹ This tradition can be seen more recently in Walzer, whose discussion of guerrilla war suggests that when there is doubt, any adult male should be considered a legitimate target.⁸²

72. See Carr 2002; and Hartigan 1983.

73. Vattel 1916, 271.

74. Quoted in McKeogh 2002, 115. For a detailed discussion of the gender discourses informing Grotius's writing, see Kinsella 2003.

75. Hartigan 1980, 144.

76. Ibid., 84.

77. Quoted in Hartigan 1980, 94–95.

78. See Cooke 1993; and Blom 2000.

79. This term was coined by former UNPROFOR officer David Harland, during a personal interview in August 2002.

80. Quoted in Hamilton 1963, 142.

81. Quoted in Hartigan 1980, 94.

82. Walzer 1977, 192.

Since the drafting of the 1977 Additional Protocols to the Geneva Conventions, the legal requirements for distinguishing between combatants and civilians have rested with the act of causing harm rather than the role status of the actor.⁸³ In practice however, actors in international society are still influenced by older formulations that defined entire categories of the population as presumptive combatants or presumptive noncombatants on the basis of sex and age rather than their role as agents.⁸⁴

For example, gender assumptions inform states' compliance with civilian immunity norms. Most obviously, they are reflected in sex-selective patterns of killing worldwide, epitomized by massacres of "battle-age" men and boys in the Balkans.⁸⁵ Before killing male civilians at Srebrenica in 1995, General Ratko Mladic stated that the freeing of "women, children and the elderly" demonstrated BSA complicity with norms of noncombatant immunity.⁸⁶

If state actors respond to gender assumptions when distinguishing civilians from combatants or constructing excuses for collateral damage, the civilian protection community employs the same discourse in the language they use to encourage respect for civilians.⁸⁷ For example, in condemning and encouraging strong action on Kosovo after the pivotal Racak massacre, where thirty-seven out of forty-five people killed were adult men, the President of the Security Council stated "Civilians were killed, including seven women and at least one child."⁸⁸ Calls for action to protect civilians typically exhibit this gendered character as well. Representative Ron Coleman, D-Texas, argued in 1993, "The U.S. will have to accept the moral responsibility to intervene where innocent women and children are being slaughtered in the name of ethnic cleansing."⁸⁹ This language also appears in post-hoc arguments that action should have taken place when it did not, regardless of which civilians were placed at risk by inaction. Describing the Rwandan genocide in which the majority of the direct victims were male,⁹⁰ Scott Feil writes: "Do we, the members of the international community, really require that more innocent women and children be slaughtered by the thousands to cause a change in our priorities and level of concern?"⁹¹

Thus, while gender is not constitutive of civilian immunity in a Wendtian sense, gender is encoded within the parameters of the immunity norm: while in principle

83. See McKeogh 2002; and Palmer-Fernandez 1998.

84. See Goldstein 2001, 402; and Enloe 1998, 52.

85. See (<http://www.gendercide.org>).

86. Silber and Little 1996, 268.

87. Carpenter 2003.

88. UNSC 1999.

89. Quoted in "Coleman Joins Calls for Action in Bosnia," Garnett News Service, 23 April 1993. It has been argued that the emphasis on women and children being killed has drawn attention away from systematic sexual violence as a war crime of gravity comparable to killing civilians. See Copelon 1999, 334; and Rodgers 1998.

90. See Jones 2002b. It should also be noted that not all Rwandan women were "innocent" of the genocide. See Africa Watch 1995. Hamilton 1999 has described how gendered assumptions of innocence influenced UNHCR's actions in Rwanda.

91. Feil 1998, 1.

the “innocent civilian” may include other groups, such as some adult men, the presumption that women and children are civilians whereas adult men may not be means that “women and children” signifies “civilian” in a way that “unarmed adult male” does not.⁹²

Similarly, gender beliefs are embedded within a second category of meaning central to the civilian protection network: the concept of the “especially vulnerable.” As Keck and Sikkink have pointed out, advocacy networks have a greater likelihood of success if issues are framed in terms of bodily harm to vulnerable populations.⁹³ To the extent that civilian protection agencies such as UNHCR can define their work in terms of assisting the “vulnerable,” they are better able to sell their programs to donor governments.⁹⁴ This emphasis also helps protection agencies gain leverage over actors on the ground with which they must negotiate.⁹⁵

As with the broader category of “civilian,” “especially vulnerable” groups were demarcated in the early post–Cold-War era on the basis of age and sex rather than context. This usage, equating “women and children” with vulnerability, has proliferated to become a mainstay of international discourse on civilian protection. For example, the verbatim records of the Security Council debates on the protection of civilians in 1999 contain twenty references to innocent or vulnerable “women and children” as a category, but only two references to the specific protection of civilian men along with women and children. The assumption that women and children are more likely than men to be direct targets of attack is articulated fifteen times. There are no references to the protection of civilian men as a particular group or of the specific vulnerabilities they face in war-affected regions.⁹⁶

Actors within the civilian protection network have never agreed on how to define “vulnerability.” Protection workers whom I interviewed made reference to two partially conflicting definitions. To some, “vulnerability” accrues from physical characteristics, such as age or disability, which make certain individuals inherently less able to withstand attack or escape from harm.⁹⁷ For example, young children under five are physically more susceptible to disease and malnutrition; the elderly or the disabled are less mobile and self-sufficient than able-bodied adults. It is persons with these types of physical vulnerabilities for which the Geneva Conventions sets down specific guidelines for treatment.⁹⁸

To what extent can the inclusion of women per se be justified on the basis of their inherent physical vulnerability? The answer is only certain women may rightly

92. Carpenter 2003.

93. Keck and Sikkink 1998, 204.

94. Personal interview, Kris Janowski, UNHCR Public Relations Division, August 2002.

95. Frohardt, Paul, and Minear 1999, 45.

96. See United Nations 1999.

97. This was the definition offered at the ICRC’s Seminar on the Protection of Specific Categories of Civilian, Geneva, May 2002.

98. For example, two of the four 1949 Conventions pertain specifically to the sick and wounded; special provisions for women under the Conventions relate primarily to their physical needs during pregnancy or while breastfeeding. See Kalshoven 2001.

be included in this group. In particular, pregnant or lactating women possess inherent vulnerabilities stemming from their biological sex.⁹⁹ However, it makes much less sense to define able-bodied adult women without nursing infants as inherently vulnerable. A healthy adult woman is far more similar to a healthy adult man than to an elderly invalid or a child under five.¹⁰⁰

Others emphasize socially induced vulnerability. Regardless of physical characteristics, some groups in some contexts are more vulnerable than others to particular forms of threat based on societal inequities in access to resources, role expectations, or geographic location. It is less problematic to include women as women in this construction of vulnerability. For much of the time under any given social system, women are indeed made vulnerable by social factors, and this is particularly true during times of armed conflict.¹⁰¹ Displaced women are vulnerable as heads of households in situations where resources are customarily distributed through male heads of households who may not be accompanying their families.¹⁰² In addition to the risk of attack from enemy forces (particularly sexual assault), women's vulnerability to violence and deprivation from their own side increases in times of war.¹⁰³ In other words, "the vulnerability of women during armed conflict is a direct consequence of the discrimination that women face throughout their lives."¹⁰⁴

Thus, there is a case to be made for conceptualizing all women as always socially vulnerable because of the gendered structure of power within war-affected communities. What is problematic is the simultaneous exclusion of men's socially induced vulnerabilities from the definition. While able-bodied men, as adults, are among the least vulnerable group physically, they become far more vulnerable than women, children, and the elderly to certain forms of attack in certain situations because of socially constructed assumptions about male gender roles.¹⁰⁵

The interrelationship between the gendered discourses of innocence and vulnerability remains evident in the way that the Security Council discussed the protection of civilians in its 1999 debates. The records of these meetings contain numerous quotes such as the following:¹⁰⁶

The Council condemns attacks or acts of violence in situations of armed conflict directed against civilians, especially women, children and other vulnerable groups.

99. IASC 1999. The Geneva Conventions provide for special protection on this basis, including evacuation priority for pregnant women and mothers of young children. See De Preux 1985.

100. See Goldstein 2001 on average physical differences between men and women.

101. On women's experiences in war see Lorentzen and Turpin 1998; Moser and Clark 2001; and Rehn and Sirleaf 2002.

102. Mertus 2000.

103. Enloe 2000.

104. Gardam and Jervis 2001.

105. IASC 2002.

106. See United Nations 1999.

Violence in situations of armed conflict has reached dangerous proportions, directed in most cases against civilians, especially women, children and other vulnerable groups.

Women and children in particular, as one of the most vulnerable social groups, are most gravely affected in conflict situations.

These references define civilian protection and vulnerability in gendered terms, while promoting the myth that most attacks against civilians are specifically directed at women and children rather than adult civilian men.

Although these assumptions are increasingly questioned, during the Balkans wars they were entrenched and reproduced by the language used to frame the crisis, mobilize donor support, and set the agenda. For example, when Sadako Ogata wrote Secretary General Boutros Boutros-Ghali in 1993 to argue for international action in Srebrenica, she claimed that: "Civilians, women, children and old people, are being killed, usually by having their throats cut."¹⁰⁷ UNHCR Special Envoy to the Former Yugoslavia was quoted as saying, "The whole point of this war is to . . . target as much of the violence as possible against women and kids."¹⁰⁸

Demonstrating the constitutive influence of gender on civilian protection discourse is not itself an explanation for sex-selective evacuation policy. To determine what caused protection workers to evacuate women and children, but not adult men, from besieged cities, one must consider not merely the way in which civilian protection is framed, but the decision-making procedures of protection workers in the field who negotiated and carried out evacuations. What constraints did these protection workers face and how, if at all, were they influenced by gendered notions of innocence and vulnerability?

Regulative Effects: The Evacuation of Srebrenica, March 1993

Jones's implication, discussed above, is that gender beliefs exerted a direct effect on the way that protection workers identified recipients of safe passage. His claim is similar to Goldstein and Keohane's concept of ideas as "road maps," which guide actors' assumptions about consequences in the absence of complete information.¹⁰⁹ In the Balkans case, this would have meant protection workers unreflectively evacuated women and children because the workers subscribed to the assumption that those evacuees alone were "civilians" or "vulnerable." In the absence of clear criteria for distinguishing civilians from combatants, perhaps pro-

107. Quoted in Sudetic 1998, 175.

108. Reiff 1995, 201.

109. Goldstein and Keohane 1993.

TABLE 1. *Hypotheses*

| |
|--|
| H1: Aid workers used sex and age as a proxy variable for ‘vulnerable civilians.’ |
| H1a: Aid workers used sex and age as a proxy variable for ‘civilians.’ |
| H1b: Aid workers used sex and age as a proxy variable for ‘vulnerable groups.’ |
| H2: International actors used sex and age as proxies for ‘vulnerable civilians’; aid workers were socially constrained by a desire for approval from their international constituencies. |
| H3: Local actors used sex and age as proxies for ‘civilians’; aid workers were constrained by other actors’ demands. |
| H3a: Belligerents would only allow women and children to be evacuated. |
| H3b: War-affected populations themselves preferred to evacuate only women and children. |

tection workers relied on sex and age as proxy variables, limiting their activities to those individuals most likely to be noncombatants (See H1a in Table 1). One would then expect accounts of such evacuations and interviews with former field workers to reflect the belief that this behavior was unproblematic. They should exhibit a taken for granted character that March and Olsen describe as a “logic of appropriateness.”¹¹⁰

But it would not be necessary for protection workers to subscribe to such a rule for the ideas on which it is based to affect evacuation procedures. As well as operating directly to shape preferences and perceptions, norms may also exert indirect effects, serving as constraints whether or not a given actor (or his/her community of concern) subscribes to them.¹¹¹ As Thomas notes, the “logic of appropriateness” and the “logic of consequences” are not mutually exclusive.¹¹² If some actors in a situation subscribe to a norm, even those who do not may be constrained by it either because they seek the social approval of those who do or because they lack material power to oppose the implementation of the norm.

First, if third parties on whom an actor relies for social approval subscribe to a norm, the desire to maintain approval through conformity to legitimized practices, even those it has not yet “internalized”¹¹³ may constrain the actor. The protection workers may have responded to an external logic of appropriateness imposed by their expectations of how their behavior would be interpreted by the international community on whom they relied for funding and legitimacy (H2 in Table 1). In this case, the protection workers might not have themselves internalized the women and children first rule and might have even questioned it, but they might have followed it nonetheless because to do otherwise would have been seen as socially inappropriate by others on whose approval they depended. If these considerations had an effect, we would expect interviewees to describe public relations concerns as a socially constraining factor.

110. March and Olsen 1989.

111. See Hasenclever, Mayer, and Rittberger 1997, 136; and Krasner 1983.

112. Thomas 2001, 37.

113. See Finnemore and Sikkink 1998; and Checkel 1999.

Second, the fact that one actor subscribes to a norm can shape the available policy options of another over whom he or she has bargaining leverage. The second actor is then materially constrained even if he or she is cognitively and socially indifferent to the norm's effects. Thus, even if protection workers had preferred to evacuate all civilians, and even if this had been sanctioned by outside observers, the workers may have been unable to evacuate the adult men because of the beliefs of either the belligerents in question (H3a in Table 1), or the war-affected civilians themselves (H3b in Table 1).

If either the Bosnian Serb Army, or the Bosnian authorities, or both, opposed the evacuation of adult men because they viewed the adult men as fighters rather than civilians, this may have posed an intractable barrier to negotiating access to such men. The evidence should then bear out the extent to which protection workers attempted to press this issue, what strategies they adopted, and why their efforts ultimately failed. Alternatively, the Bosniac men themselves may have insisted on staying behind, allowing their families to flee ahead of them; the women indeed may have demanded safe passage only for themselves and their dependent children. If civilian men stayed behind for chivalrous reasons, there should be no evidence that they sought to leave, and there should be evidence that they failed to leave if they had the opportunity.

Explaining Sex-Selective Evacuation: Cognitive Maps Versus Constraints

There is only weak support for Hypothesis (1) in Table 1 as an explanation for sex-selective evacuation: protection workers themselves did not generally subscribe to a "women and children first" rule. Indeed, at Srebrenica 1993, their priority was primarily to the sick and wounded, many of whom were adult men.¹¹⁴ They acquiesced to the insistence of the local population that healthy civilians should also be evacuated, and to the demands of the belligerents that civilian males should be excluded. Thus, while gender beliefs served as cognitive maps guiding the strategies of the belligerents (see H3a in Table 1), they played only a partial role in constructing the evacuation-strategies of protection workers themselves, and this was not decisive. Primarily, gender beliefs affected the behavior of protection workers through the constraints imposed by other actors.

First, to what extent did protection workers construct the civilian population according to sex and age proxies (H1a in Table 1)? Evidence is mixed as to whether protection workers themselves assumed that all adult men were fighters. Both the UN Srebrenica report and documents within the Dutch government use the terms "military-age men" and "fighters" interchangeably.¹¹⁵ But the weight of the evidence suggests that protection workers were fully aware that the civilian popula-

114. Hollingworth 1996.

115. See Harland 1999; and Rhode 1997, 336.

tion included men. Many protection workers interviewed readily distinguished between combatants and male civilians, and written memoirs of the incidents frequently criticize the BSA's failure to distinguish between combatant and civilian males.¹¹⁶ Even those interviewees who tended to conflate "civilian" with "women and children" admitted, when prompted, that there were certainly many adult male civilians.

Most protection workers were also fully cognizant of the specific vulnerabilities faced by adult civilian men (H1b in Table 1). This awareness is borne out both by interview data and the written record.¹¹⁷ While this awareness did not translate into a set of preferences for rules that would address men's vulnerabilities, lack of such preferences was not decisive in producing sex-selective evacuation policy. Nor were the protection officials directly influenced by a belief that the international community expected them to prioritize women and children (H2 in Table 1). Instead, when asked whether UNHCR would have preferred to evacuate all civilians irrespective of sex, most workers agreed that this would have been ideal. Their inability to do so was apparently the result not of it being seen as inappropriate, either by themselves or by the civilian protection network more broadly, but of their freedom of action being materially constrained by the other actors involved (H3 in Table 1).

Which external actors were primarily responsible for imposing a regime of discriminatory evacuation protocols based on gendered norms? There is little evidence that the war-affected populations themselves insisted on the evacuation of women and children, but not men (H3b in Table 1).¹¹⁸ Such a trend might have been expected if civilian authorities also subscribed to these gendered norms and wished to maximize the number of "especially vulnerable" who left.

Instead, the general state of disorder that characterized besieged cities had already led to the breakdown of such social rules within the general population. This disorder was exemplified by behavior at food drop sites, where residents routinely killed each other over who would appropriate supplies.¹¹⁹ The sick and wounded, who would ordinarily receive priority for evacuation even before healthy women and children, were betrayed at the Srebrenica evacuation by hordes of civilians piling onto the buses.¹²⁰ Families' primary concern was with their own

116. Hollingworth 1996; and Johnson 1999.

117. See Reiff 1995, 206.

118. Srebrenica's women, at the behest of the local officials, did lobby UNPROFOR General Philippe Morillon to do something "in the name of women and children," but this rhetoric seems to have been aimed at urging the UN to provide humanitarian aid and security *in situ* rather than to evacuate them without their men. The preferences of local activists must also be distinguished from those of displaced families who had flooded into the enclave from surrounding villages and were living in the streets. See the account of General Morillon's visit to Srebrenica in Neuffer 2002, 55–8. The key point here is not what the war-affected population actually preferred, but the extent to which aid workers felt compelled to exclude men from convoys based on their understanding of those preferences.

119. Hollingworth 1996, 201.

120. Honig and Both 1997, 91.

welfare, and devising strategies to reduce men's risk of execution was not the least of their worries.

Many families refused evacuation in order to stay together, understanding that men's risk of death increased precisely when separated from their families. At times, the men made efforts to secure their own escape.¹²¹ The likelihood of men challenging the "women and children only" rule increased with their perception that the fall of a town was imminent.¹²² There were some instances of men and boys disguising themselves as women to escape.¹²³ Yet once a sex-selective evacuation rule had been established, most men had little incentive not to comply with the regime. Bosnian Serb soldiers were known for apprehending adult men caught on convoys, and UNHCR officials were willing to enforce the "women and children only" rule.¹²⁴ As one UNHCR official explained, "They were frightened to accept an evacuation." Instead, men were sometimes able to get out through more covert methods. For example, the agency would often hire local men as interpreters so that they could move with the protection crews; and UNPROFOR officials often smuggled men out in their landrovers.¹²⁵

These examples suggest that adult civilian men sought to leave rather than to stay and fight, preferred to leave with their families if possible, and were prevented from doing so on evacuation convoys both by militias and by protection workers enforcing evacuation agreements. Thus, the besieged population's adherence to gender rules does not appear to be an adequate explanation for the sex/age demographics of evacuees.

The evidence supports the view that the belligerents, rather than the besieged populations themselves, insisted on the exclusion of "military-age men" from evacuation convoys (H3a in Table 1). Both the BSA and the Bosnian authorities preferred to keep adult men and older boys within the cities (See Table 2). Bosnian Serb fighters considered the men "war criminals" and intended to execute or detain them en masse when the towns fell. Bosnian authorities needed conscripts to defend the cities.¹²⁶

BSA and Bosnian leaders were split on the question of whether to evacuate other civilians. The BSA leadership had an incentive to release "presumptive non-combatants" for three reasons. First, they well understood that the international community considered the deaths of women and children, as presumptive noncombatants, a greater outrage than those of adult men, and the BSA sought to mini-

121. Harland 1999, 75.

122. For example, local representatives formulated an evacuation plan that included men at Srebrenica 1995; and at Zepa the authorities made several attempts to negotiate safe passage for men when it was perceived that the town was lost. See Harland 1999.

123. Rhode 1997.

124. Hollingsworth 1996.

125. Personal interview, former UNHCR field officer, September 2002.

126. Harland 1999.

TABLE 2. Belligerents' policy-preference structures regarding evacuation

| |
|--|
| Bosnian Serb Army: |
| 1. Evacuate sick and wounded, then women, children, elderly. |
| 2. Evacuate no one. |
| Bosnian government: |
| If town still under siege: |
| 1. Evacuate no one. |
| 2. Evacuate sick and wounded, then women, children, and elderly. |
| 3. Evacuate all civilians without discrimination. |
| If surrender imminent: |
| 1. Evacuate all civilians/safe passage for soldiers. |
| 2. Evacuate no one. |
| 3. Evacuate women, children, and elderly/soldiers flee on foot. |

mize the public relations cost of overrunning towns.¹²⁷ Second, insofar as their goal was primarily to seize empty land rather than kill people, the BSA leadership preferred that the majority of the civilians choose to leave on their own, facilitating the repopulation of the towns with ethnic Serbs. Third, the BSA leadership understood that the evacuation of men's families would both reduce the incentive for men to fight (many were simply defending their families) and would reduce the likelihood of Western intervention, speeding the enclave's fall.¹²⁸

From the Bosnian authorities' perspective, the calculus was the reverse. To the extent that the suffering of "women and children" kept the international community's attention, it was to their advantage to maintain a wide population base in a particular town.¹²⁹ The Bosnian authorities also feared the breakdown in morale and reduction in conscripts if families were to leave. However, the key argument given for refusing evacuation offers was that it would facilitate ethnic cleansing itself.¹³⁰ The Bosnian authorities played into the West's fears of complicity in genocide by fueling the debate that to move people was to do the Serb's dirty work.

Thus the BSA was responding both to internalised gender beliefs by which civilian status was defined according to sex and age, and to the expectation of the international community's interpretation of the situation. First, gender beliefs operated as cognitive maps providing the Bosnian Serb fighters with a means of distinguishing between civilians and combatants: they simply constructed all military age men as combatants and therefore legitimate military targets. Women and children, as presumptive noncombatants, were seen as nonthreatening and could be raped and expelled, but if left alive would not likely rise up against the Serbs.

127. Cigar 1995, 144.

128. Neier 1998, 161.

129. Honig and Both 1997, 92.

130. Phone interview, former UNHCR field worker, Geneva, September 2002.

Secondly, Bosnian Serb decision-makers were restrained by their perception of the international community's moral predilections. They rightly guessed that the West would be more concerned over women and children than over men, and that sparing women and children from outright massacre could be used as a demonstration of at least marginal compliance with standards of civilized behavior. In this way, the likelihood of forcible intervention by the West would be reduced.¹³¹

Bosnian authorities, making the same calculation, chose to keep women and children as well as men in harm's way to provoke the sympathy of the outside world. But because of the same tendency to see those who would intentionally harm women and children as monsters, the Bosnian authorities could only take this argument so far. In part, this explains why at times, the Bosnian government acquiesced with the evacuation of presumptive noncombatants despite their initial preferences.¹³² Because the BSA monopolized the moral high ground in their stated desire to limit civilian casualties, they had more leverage in these negotiations.

In short, cognitive maps influenced the preferences of the belligerents; the normative perceptions of the outside world influenced their relative bargaining power. Ultimately, when evacuations were negotiated, adult civilian men were excluded. This satisfied the Bosnian Serb fighters, who retained their "legitimate targets"; the Bosnian Muslim authorities, who retained their pool of potential fighters; and the international community, who could satisfy itself at having "at least" assisted the "most vulnerable."

Explaining Acquiescence: Converging Logics of Appropriateness

I have shown that protection workers themselves did not create the conditions under which adult men were abandoned. The workers were not inherently biased against the protection of male civilians. Rather, protection workers acted in the context of constraints imposed by the belligerents with whom they had to negotiate access to civilian populations.¹³³

Why then did protection workers on the ground comply with these demands to evacuate according to discriminatory rules? In particular, why did they do so when the agreement of the war-affected civilians themselves on the legitimacy of these procedures was lacking, placing protection workers in the position of enforcing the belligerents' discriminatory policies? Were protection workers influenced only by a logic of consequences or also by a logic of appropriateness—a tacit agree-

131. The BSA's desire for legitimacy is demonstrated by its insistence in July 1995 that UNPROFOR Major Franken sign a document confirming that the surrender of Srebrenica had been carried out in accordance with the Geneva Conventions. See Honig and Both 1997, 45.

132. The perception that a town was shortly to fall also influenced Bosnian officials' willingness to go along with evacuation schemes. See Honig and Both 1997, 93; and Sudetic 1998, 188.

133. Cutts 1999, 25.

ment with the Serbs about the legitimacy of the “women and children only” rule? And if the latter, did this logic of appropriateness manifest as a constraint vis-à-vis the broader network (H2 in Table 1), or more directly as a cognitive map (H1 in Table 1)?

A useful way to begin analysis is to consider, counterfactually, which preferences for evacuation strategies would have coincided with UNHCR’s operational principles, absent the belligerents’ demands and assuming gender beliefs had no influence over protection workers’ thinking. If protection agencies were completely immune to the “women and children first” gender rule, and based their evacuation strategies on their preferred outcomes alone, they would have wanted to evacuate the entire civilian population. Then, if priority had to be assigned for reasons of space limits or because of a vulnerability assessment, the following criteria would likely have been followed.

The agencies would have wished to evacuate sick and wounded first, in accordance with custom laid down in the Geneva Conventions and existing UNHCR guidelines. Pregnant women would be included in this category as a particularly vulnerable group for medical reasons. The second two categories to receive priority would have depended for their ranking on an assessment of whether the fall of the town was imminent. If siege conditions were expected to continue for the foreseeable future, children under five and the elderly should be evacuated next, these being most vulnerable to deprivation.¹³⁴ Moreover, because the guidelines on the evacuation of children specify that they must be evacuated with their family units, both mothers and fathers, as well as older siblings, should be evacuated along with children under five.¹³⁵ But, if the fall of the town is likely to occur, placing the political leadership as well as men and boys per se at risk of imminent massacre, their escape should be given preference to the evacuation of small children who at any rate may be able to leave once the siege conditions end. As reflected in Table 3, contingent on an analysis of the particular context, those civilians to receive the least priority for evacuation under such a situation could actually be healthy adult women without children, who would be no more vulnerable than any one else to indiscriminate attack, may or may not be more vulnerable than healthy adult men to deprivation, and would be less vulnerable than adult men to outright execution.¹³⁶ At a minimum, however, civilian adult men and women without children, in the absence of gender rules prioritizing women’s escape, might have been expected to be accorded the same priority for evacuation.

134. The risk of death because of deprivation and exposure, in addition to shell-fire, was severe. See Physicians for Human Rights 1996, 95–8.

135. See Ressler 1992; and Caverzasio 2000, 40.

136. Assessing women’s relative risk of death because of deprivation would require an understanding of different adult women’s access to food in a given situation, which can often be subject to various forms of discrimination within a war-affected community. Regarding risk of death by execution, although adult women without children were not likely to be taken aside and shot, they were vulnerable to sexual assault, and this form of torture was sometimes followed by murder. See Wilmer 2002.

TABLE 3. *Protection agencies' policy-preference structures regarding evacuation: Counterfactual versus actual*

| | |
|---|---|
| Counterfactual policy preferences (based on vulnerability assessment as articulated in UNHCR guidelines, assuming absence of gender beliefs): | |
| If fall of town imminent, evacuate | If siege ongoing, evacuate |
| 1. All civilians. | 1. All civilians. |
| 2. Physically vulnerable. | 2. Physically vulnerable. |
| a. Sick. | a. Sick. |
| b. Wounded. | b. Wounded. |
| c. Pregnant. | c. Pregnant. |
| 3. Execution-risk individuals. | 3. Deprivation-risk individuals. |
| d. Politico-cultural elites (both sexes). | a. Children under five with families. |
| e. Civilian men and boys. | b. Elderly. |
| 4. Deprivation-risk individuals. | 4. Execution-risk individuals. |
| f. Children under five with mothers. | a. Politico-cultural elites (both sexes). |
| g. Elderly. | b. Civilian men and boys. |
| 5. Civilian women without children. | 5. Civilian women without children. |
| Actual policy preferences (as extrapolated from narrative accounts in interviews and memoirs): | |
| 1. All civilians. | |
| 2. Sick, wounded, pregnant. | |
| 3. All women, children, and elderly. | |

The actual policy-preference rankings I extrapolated through my interviews were somewhat different. The most preferred strategy—to evacuate all civilians without distinction—was, as described above, consistent with the lack of influence from gender. However, when ranking civilians for priority according to vulnerability, the potential strategies were not ranked so as to wholly correspond with the UNHCR's underlying mandate of first helping those most vulnerable to dying. Sick and wounded were, as predicted, ranked first. But women, along with children and the elderly, were always ranked next: the expectation of an ongoing siege versus an imminent fall did not alter protection workers' preference structures in negotiations, as it would have given an objective vulnerability assessment. The idea that women's relative vulnerability could be judged by assessing their risk of death through either sexual assault or their status as a member of the leadership did not generally come up in protection workers' narratives: more often women's entitlement to escape seemed to be taken as a given on the basis of a generic notion of "vulnerability." Nor were the rules pertaining to the evacuation of children interpreted so as to keep entire family units together. It was assumed that if children were evacuated with their mothers, this was good enough.¹³⁷ Most notably, the option of evacuating men and boys while leaving adult women and chil-

137. Hollingworth 1996, 210.

dren behind was almost entirely absent.¹³⁸ To the extent that men were advocated for, it was in the context of the “all civilians,” group: they were never assigned priority over other groups. More often, men were defined as the lowest stage of priority. One former UNHCR field officer told me, “In hindsight it stands out [that men were overlooked] but at the time there were so many overwhelming problems, even to save a percentage of the women and children . . . so you didn’t even get to that stage where you could argue on behalf of the men.”

It may rightly be pointed out that even if protection workers had advocated for men and boys’ safe passage or, more limitedly, for fathers’ evacuation with their families, that the belligerents would simply have said no; and perhaps evacuation negotiations would have collapsed altogether, leaving other civilians in danger. In such a context, evacuating women and children was surely the best option, and the question of whether protection workers did so for ideational or strategic reasons is perhaps impossible to resolve. However, if protection workers had other options that they did not choose, or did not consider, the argument that they were acting on a logic of appropriateness is much stronger.

What might protection workers have done instead? They might have simply refused to evacuate at all. Indeed, if removing women and children contributed to the fall of towns, isolated men and boys in preparation for massacre, and reduced the incentive of the international community to intervene, then it is possible that keeping the women and children with the men might have saved their lives. It does not appear that UNHCR considered this option. A former UNPROFOR officer described how, when the Bosnian government initially blocked evacuation for precisely this reason, UNHCR negotiators tried to convince them to allow the women and children out.¹³⁹

Withdrawing from protection initiatives to protest violations of international rules has many precedents within the protection community. For example, the ICRC withdrew from several operations in Bosnia when its workers came under attack;¹⁴⁰ UNHCR eventually withdrew protection to refugee camps in Zaire when it became clear they were being used as sanctuaries for armed elements;¹⁴¹ and UNHCR initially opposed evacuation because of the concern that it would contribute to ethnic cleansing.¹⁴² More analogously, when belligerents insist on services going only to certain groups, there are cases in which aid agencies have withdrawn services entirely until they could be distributed in an impartial manner. For example, Oxfam and CARE withdrew aid from boys’ schools to protest the exclusion of girls under the Taliban.¹⁴³

138. Only one respondent suggested such an option, and this person was speaking in abstract terms, having not personally participated in evacuation operations.

139. Personal interview, Geneva, August 2002.

140. Minear et al. 1994, 43.

141. Loescher 2001, 311.

142. UNHCR 2000.

143. Mertus 2000.

So why was the option of protesting civilian men's exclusion from evacuation by refusing to cooperate not on the UNHCR's menu of choices? Simply put, excluding men was not considered a form of gender discrimination or a violation of humanitarian rules regarding the impartial distribution of assistance. Although the Geneva Conventions prohibit adversely distinguishing between civilians on the basis of sex, this concept is understood only to apply to discrimination against women.¹⁴⁴ Of course, had the protection workers considered the option of taking a stand with respect to this issue, they may still have chosen to save as many lives as possible, and given the situation this choice would probably have been defensible. But the point is that this option was not considered.

On the basis of this evidence it is clear that a logic of appropriateness resulted in ambivalence toward the protection of adult male civilians, but it is harder to disentangle whether this logic operated primarily at the cognitive level or as a social constraint. Many respondents expressed a sense that their mandate did not include advocacy for adult men to the same extent as to the women and children. The denial of adult civilian men's and boys' right to flee in Bosnia was taken for granted by many protection workers as an unfortunate but understandable aspect of the situation:

Evacuation was . . . simply not an option for [the men], tragic though that was . . .

Frankly in the case of Bosnia, most men were at least potentially fighters, so every man had to be accounted for . . .

The Serbs felt they had to detain or interrogate all the men, and quite justifiably so, I think.

But this sense of ambivalence was often mixed. Some respondents retrospectively admitted men should have been given greater attention but justified UNHCR's actions by reference to the international constraints. (Even these respondents failed to suggest that men and boys should have been evacuated first.) The interconnection between these causal pathways is evident in the following quote by a UNHCR official:

When you start prioritizing, any way you go, there are certain categories that are easy to deal with. There's the vulnerable, but then there are the vulnerable who are politically easy. Elderly people, young children who need an operation, pregnant women, that's easy. . . . There is not a good understanding of how vulnerable men are. . . . Most of us on the ground there understood [men were vulnerable], but we lived with it. I think it was unfortunately the reality and we knew we could get women and children out, so why not get them out.

¹⁴⁴. See Lindsey 2001; and Gardam and Jervis 2001. In a personal interview, ICRC Legal Advisor Antoine Bouvier said, "It's a bit far-fetched to consider [sex-selective evacuation] adverse distinction."

This evidence suggests that the manner in which actors process information and frame moral decision-making is not always so distinguishable from the broader social milieu in which they act. The gender beliefs within the discourse of the civilian protection network were reproduced by and thus ensnared actors within particular protection agencies. For example, when protection agencies questioned the ethics of evacuating civilians, their concern rested with the question of moving anyone at all, not that of discriminating against certain civilians.¹⁴⁵ Framing the dilemma in this way mirrored the debate over the ethics of humanitarian evacuation at the international level. As Sadako Ogata articulated the dilemma, “To what extent do we persuade people to remain where they are, when that could well jeopardize their lives and liberties? On the other hand, if we help them to move, do we not become an accomplice to ‘ethnic cleansing’?”¹⁴⁶ UNHCR Special Envoy Jose-Maria Mendiluce later told journalist David Reiff, “We found ourselves in the morally impossible position of furthering the goal of ethnic cleansing in order to save people’s lives.”¹⁴⁷

Thus, the dilemma was expressed at all levels within the network as one of abetting or choosing not to abet ethnic cleansing. Yet one of the key ways that sex-selective evacuation worked to the advantage of the BSA was in removing those civilians whose deaths would most likely attract the opprobrium of the international community. In evacuating “women and children” as synonymous with the “civilian population,” protection agencies replicated the notion that the remaining population was composed of “fighters” and legitimised BSA targeting of those individuals.

This twin dilemma was not articulated in the debate on whether evacuation was tantamount to ethnic cleansing. Indeed, it was precisely the ability to claim that they had at least “saved the innocent” that enabled UNHCR to resolve its queasiness about aiding the BSA. Taking a stand after the 1993 evacuation of Srebrenica, Special Envoy Mendiluce said, “We may denounce ethnic cleansing, but when you have thousands of women and children at risk who want desperately to be evacuated, it is my responsibility to save their lives.”¹⁴⁸

Given these findings, a combination of the “cognitive maps” and “social constraints” pathways makes the most sense in explaining this acquiescence to the belligerents’ demands. This convergence might be better expressed as what Finnemore and Barnett have described as the “power of international organizations”—equally applicable to advocacy networks. In “classifying” the world, “fixing meanings” and “diffusing norms,” networks of moral meaning in international society delimit the parameters of acceptable action, and even the ways in which it is possible to think about acting, in a given milieu.¹⁴⁹ Yet as these authors point out, organizations can become trapped in their own classification schemes and exhibit “pathologies,” or strategic behavior inconsistent with their mandate.

145. Only one interviewee identified leaving men behind as a second moral dilemma.

146. UNHCR 2000, 222.

147. Reiff 1995, 212.

148. UNHCR 2000, 222.

149. Finnemore and Barnett 1999.

This situation may be neither wholly a result of individual cognitive bias nor of rationality under external social constraints, but the combined effect of snaring actors within an institutional discourse ill-fitted to the strategic context. “Once in place, an organization’s culture, understood as the rules, rituals and beliefs that are embedded in the organization, has important consequences for the way individuals who inhabit that organization make sense of the world. It provides interpretive frames that individuals use to generate meaning.”¹⁵⁰

The civilian protection network had, early in the Bosnian war, promulgated a conception of “especially vulnerable groups” that reflected gendered norms within international society, rather than an assessment varying by context. Certain agencies within the network, UNHCR in particular, were simultaneously engaged in an intensive public relations campaign to draw attention to the Balkans crisis, legitimize their own civilian protection initiatives, and secure a redefined role in post–Cold War international society.¹⁵¹ This meant highlighting successes and carefully avoiding publicity fiascos to keep international funding pouring in. The rhetoric of “women and children” in need of rescue resonated with international ethics and became part of the agency’s self-image and mandate. This rhetoric also fed back into and reproduced the gender beliefs embedded within the civilian immunity norm. In this context it would never have occurred to protection agencies to evacuate men and boys first, even if they had had the chance. Nor would it have been appropriate, given these norms, to put the lives of women and children at risk to advocate for adult males. As one UNHCR official said, “when it came to men and adolescent boys, we recognized we probably wouldn’t get boys out, we knew we wouldn’t get men out, so we didn’t try.”

The warring parties imposed sex-selective evacuation rules as material constraints. BSA and Bosnian government forces interpreted civilian immunity according to a logic of gender: both in mapping the civilian/combatant distinction and in calculating the parameters within which the international community was likely to interpret and enforce the civilian immunity norm. But as actors within the network, protection officials at Srebrenica were also influenced by gendered norms—interpretive frames used to generate meaning—as they considered how to act in the context of these constraints. Gendered notions of “vulnerability” made it easier to acquiesce, given the manner in which donors and onlookers would likely interpret their actions either way. The result was that the physical security of many children and women was improved, at the cost of their husbands’ and fathers’ lives.

Conclusion

This study demonstrates that gender norms influenced both the moral framework by which the civilian protection regime developed and the manner in which civil-

150. Ibid., 719.

151. Loescher 2001.

ian protection operations were carried out in the former Yugoslavia between 1991–95. From a practical perspective, the empirical findings suggest that the “innocent civilian” is a gendered concept and that thinking about civilian protection according to gender stereotypes can inhibit effective policy. Thus, it would behoove the protection community to correct for this gender bias both in the ways they frame civilian protection and their operational practices.¹⁵²

From a theoretical perspective, this study advances explanatory scholarship on gender by demonstrating how such analysis looks when integrated into conventional constructivist epistemology rather than the IR feminist frame. It also advances literature on norms in world politics by exposing the manner in which gender assumptions can piggy-back on seemingly sex-neutral categories such as the “innocent civilian,” thereby generating prescriptive “gender rules” that undermine the moral logic of the original norm itself. Thus, in contrast to their well-known role as explicit norm-entrepreneurs, international organizations and transnational advocacy networks may also find themselves captured by implicit norms, either unwittingly or as part of their strategic framing process.¹⁵³ These norms may then work through organizational culture so as to undermine operational imperatives, as at Srebrenica. Analysts of traditional themes in IR theory will need to pay close attention to gender as well as other implicit normative systems to explain adequately the phenomena with which they are concerned.

Substantively, the issue addressed here raises some additional questions that might be carried forth either by gender constructivists or IR feminists, or both. While this article focused on the concepts of innocence and vulnerability, I avoided differentiating types of vulnerability to which men and women were exposed, as both civilians and combatants. This might be another entry point for repeating this analysis. In particular, many women on all sides were subjected to mass rape and forced impregnation, and this was successfully placed on the civilian protection network’s agenda for the first time during the Balkans wars (unlike the rape of men, which received little attention).¹⁵⁴ If the perception that women should be saved from rape trumped the belief that men should be saved from execution, this could be interpreted as another intriguing paradox in protection policy that could only be understood in terms of gender constructs.

Because it is difficult to generalize from the somewhat atypical case of Srebrenica, comparative work evaluating the extent to which a “women and children first” or “women and children only” rule appears in different contexts would build on this preliminary analysis. Under what conditions are belligerents less inclined to use sex as a proxy for “combatant”? Are adult male civilians more likely to be spared in cases where fewer men are mobilized, or is a critical mass of female combatants the pivotal factor in reducing the salience of gender as a cognitive map? How do the strategies and opportunities of protection workers differ in cases

152. For some useful suggestions, see Jones 2002a.

153. I am thankful to Lisa Martin for this point.

154. See Stiglmeier 1994; and Zarkov 2001.

where belligerents' gender assumptions are not so deterministic, and to what extent are these strategies and opportunities constant based on the public relations demands of the greater protection network?

Another point that I have not explored is the extent to which the gendered basis for civilian immunity in the network norms themselves are undergoing change as a result of the strain imposed by the complex emergencies of the 1990s. Much has happened since 1993. Civilian protection agencies learn from their catastrophes. The gender-mainstreaming process within the protection community has awakened theorists and practitioners to the dangers of casting women as passive victims rather than agents of change in conflict and postconflict contexts.¹⁵⁵ While there still exist no protection initiatives targeting civilian men as such, and while gender-based violence continues to be defined primarily in reference to women,¹⁵⁶ both the ICRC and OCHA have recently begun to tentatively acknowledge men's particular vulnerabilities as civilians.¹⁵⁷ It would be interesting to trace these attempts at reframing "vulnerability" and examine the extent to which they flounder or, if successful, produce additional gendered side effects.

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155. Moser and Clark 2001.

156. Ward 2002.

157. See Lindsey 2001; and IASC 2002.

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