

Punctuated Silence: The International Response to Wartime Sexual Violence

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Punctuated Silence: The International Response to Wartime Sexual Violence

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## Dedication

For Lucca—

Never fear the big questions or the seemingly insurmountable challenges:  
Both lead to great adventures.

## Acknowledgements

This dissertation would not have been possible without the good faith and support of an entire community of colleagues, friends, and family.

The members of my committee were all incredibly generous with their time and their thoughts. The dissertation—and I as a scholar—benefited profoundly from James Lebovic’s patient guidance. Through countless “two-pagers”, meetings, and emails he helped me to clarify my ideas, concepts, and vision for the project and never once expressed doubt about the project or his student. The initial idea for this dissertation emerged during conversations with Kimberly Morgan during an independent study on gender in International Relations. Without her encouragement and advice writing a dissertation on sexual violence would have been a far more daunting endeavor. I owe Michael Barnett many thanks for recommending the addition of new, big ideas each time he read a draft. Some of the most interesting sections of the dissertation resulted directly from our conversations. Aisling Swaine and Patricia Weitsman kindly read the full draft of the dissertation and offered their expert insights in response.

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The late Lt. Col. Shannon Beebe eagerly assisted the pursuit of an answer to my research question. His belief in the project's importance, from our very first conversation

about it, has stayed with me even in his absence and it is my hope that he would have been proud of the final product and the questions it raises.

My family deserves and has my deepest appreciation. Ray and Pam Crawford instilled in their daughter a desire to read, write, learn, ask questions, oppose injustice, and challenge the status quo. Their love and encouragement made me who I am. My amazing husband, Tyler Belling, patiently accepted marathon studying and writing sessions, kept a steady supply of jellybeans and chocolate in the house, and remained my rock through all the ups and downs of the dissertation life-cycle.



## Abstract of Dissertation

### Punctuated Silence: The International Response to Wartime Sexual Violence

Why does the international community of states, international organizations (IOs), and nongovernmental organizations (NGOs) respond to wartime sexual violence now, when it was unable or unwilling to do so in the past? Building on concepts central to constructivist International Relations (IR), security studies, and foreign policy decision-making, my dissertation examines the political mechanisms that have driven states, IOs, and NGOs to condemn wartime sexual violence in the past two decades.

I conclude that the dominant frame through which the international community views wartime sexual violence determines the extent to which the issue receives attention; because international actors now view sexual violence as a weapon or tactic of war they are more willing and able to condemn its use even when an occurrence of wartime sexual violence does not directly threaten their interests. When it is perceived as a weapon of war sexual violence is no longer considered a ‘women’s issue’ or an inevitable by-product of armed conflict, but an unambiguous peace and security issue that states and organizations have an obligation to prevent and mitigate. The dissertation also examines the role of three facilitative political conditions that have supported the ‘weapon of war’ frame: the use of salient historical analogies to equate current cases of wartime sexual violence with past cases; women’s transnational mobilization in the mid-1990s; and advocates’ ability to leverage political influence to generate international support for the issue.

I explore five formative international responses to wartime sexual violence to trace the evolution of the ‘weapon of war’ frame: the creation of the International Criminal Tribunal for the former Yugoslavia; the creation of the International Criminal Tribunal for Rwanda; the United States response to sexual violence in the Democratic Republic of the Congo; the adoption of United Nations Security Council Resolution 1820; and the United Kingdom’s Preventing Sexual Violence Initiative.

The history of international political silence surrounding wartime sexual violence makes the emergence of efforts by states, NGOs, and IOs to recognize, condemn, and mitigate its use intuitively puzzling. My research on the political mechanisms through which activists and policymakers successfully framed sexual violence as a weapon of war and a security issue contributes to the IR literature by positing a larger role for states in transnational advocacy efforts, questioning the prominence of justificatory motivations for state condemnation of atrocities, and contending that scholars ought to consider sexual violence a phenomenon of interest in research on international relations.

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## Chapter 1

### Introduction

“Why isn’t anyone studying this community’s response to sexual violence?”<sup>1</sup>

I began this project in search of an explanation for a phenomenon that I found truly puzzling. Sexual violence has been such a pervasive part of war—to say nothing of peacetime—that history books, literature, and film are filled with references to rape, abduction, and abuse of women and girls in the context of war and conquest. Stories of wartime rape and sexual exploitation and abuse of civilians abound in Homer’s *Iliad*, the Bible, and Shakespeare’s *A Midsummer Night’s Dream*, to name just a few familiar texts. The seeming universality of sexual violence in war that led to its consistent presence in literature and popular culture also led to its perception as an inevitable aspect of armed conflict. Several hundred thousand women and girls were victims of sexual violence in Berlin in 1945 at the close of World War II. An untold number of women, men, girls, and boys were victims of mass rapes in street riots and sexual violence and torture in concentration camps during the Holocaust. The Nuremberg Trials did not address these crimes.<sup>2</sup> Instead, rape was considered heinous but akin to pillaging and looting, a regrettable but inevitable by-product of war and one that was insufficient to warrant formal prosecution on its own grounds.<sup>3</sup> Between 20,000 and 80,000 women and girls were raped and tortured and an unknown number of men and boys were forced to commit sexual violence against their will during the Japanese invasion of Nanjing in 1937.

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<sup>1</sup> Question posed by a participant at the Missing Peace Symposium 2013, a gathering of NGO staff, academics, military personnel, and policymakers whose work focuses on wartime sexual violence. Washington, DC. 14 February 2013.

<sup>2</sup> Nicola Henry. 2011. *War and Rape: Law, Memory, and Justice*. New York: Routledge. 30

<sup>3</sup> Henry 2011, 34.

Several hundred thousand women from neighboring states were forced into sexual slavery by the Japanese military during World War II. The Tokyo Trials addressed the sexual violence committed in Nanjing as excessive military aggression but ignored the sprawling system of forced prostitution known as the Comfort Women system.<sup>4</sup> Prior to the mid-1990s, wartime sexual violence failed to evoke international condemnation regardless of knowledge of atrocities committed on a massive scale. Sexual violence carried out in the course of war was understood to be an unfortunate but unavoidable consequence of war.

Despite the prevalence of sexual violence in wars throughout history and the attendant sense of the inevitability of this particular atrocity, something changed at the close of the twentieth century. The combination of increased transnational advocacy on behalf of human rights in general, transnational mobilization around the issue of women's human rights in particular, and collective horror at the atrocities committed in the former Yugoslavia and Rwanda led to increased popular awareness of wartime sexual violence and widespread demands to hold the perpetrators accountable. International tribunals declared sexual violence a war crime, a crime against humanity, and an act of genocide and held individuals accountable for committing sexual violence and for ordering or condoning subordinate combatants' offenses. The story does not end there. Transnational activism and the legal prohibition of sexual violence were merely the start of what would soon become a sustained international political effort to prevent, condemn, and mitigate the use of sexual violence against civilians in war.

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<sup>4</sup> Henry 2011, 39; Kelly Dawn Askin. 1997. *War Crimes Against Women*. Cambridge, MA: Martinus Nijhoff Publishers. 202; IMTFE Judgment, 1945: 103:1012-1019.

The shift from deafening historical silence in response to horrific sexual violence to consistent political condemnation and actual commitments to preventing and mitigating such abuses is a phenomenon in need of an explanation. How does an issue transition relatively quickly from a non-issue to a policy priority? As the epigraph above suggests, it is time to uncover and examine the political mechanisms that shape the international community's ability and willingness to respond to wartime sexual violence. Why, after centuries of implicit and explicit tolerance for sexual violence in armed conflict, were international organizations, individual leaders, and *states* suddenly driven to act in response?

My strong assumption at the start of this research was that the conventional wisdom surrounding the emergence of new international issues and human rights norms would likely be sufficient to explain the emergence of international condemnation of sexual violence. I expected to find that principled actors and influential nongovernmental organizations (NGOs) identified sexual violence as an international problem and advocated for prohibition, triggering a normative cascade through which states socialized and pressured one another and networks of activists held states accountable to their principles and commitments.<sup>5</sup> Such a progress might suggest that states were persuaded, compelled, or shamed by advocates to respond to wartime sexual violence. The dissertation, then, would simply apply existing knowledge of transnational advocacy and norm formation processes to a previously overlooked empirical issue. Over the course of three years of research it became clear that the conventional wisdom would be

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<sup>5</sup> See the theories of norm development and change by Finnemore and Sikkink and Keck and Sikkink. Martha Finnemore and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52(4): 887-917; Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press.



insufficient to tell the story of the international response to wartime sexual violence. To argue NGOs and principled individuals engaged in transnational advocacy were the central force behind international political condemnation and efforts to respond to wars involving sexual violence would obscure the truth. These international actors—NGOs and norm entrepreneurs within states and international organizations (IOs)—are vital components of the story, but not the whole story.

The full, more compelling, and somewhat unexpected explanation of how the international community of states, organizations (both IOs and NGOs), and principled individual advocates came to recognize and respond to wartime sexual violence involves a larger element of state power and influence: the most critical points in the development of the international response to wartime sexual violence depended heavily on the involvement of strong states and the utilization of their influential positions within the United Nations (UN) and other international forums. I argue that the conventional wisdom surrounding international issue emergence and norm formation is incomplete without a better understanding of the roles played by strong states. In particular, these states wield tremendous influence over the framing of an issue; states, as the gatekeepers of international issues and new norms, have the power to shape the international community's understanding of an issue by promoting or rejecting specific issue frames. A frame is a definition of an issue and it allows international actors—states, organizations, and advocates—to connect ideas, interests, and experience to action through a common understanding of the issue.

Advocates and policymakers began to speak of sexual violence as a *weapon of war* in the wake of the systematic sexual atrocities committed in the former Yugoslavia

and Rwanda and this view of sexual violence gained traction within national and international decision-making bodies over the next two decades. When it is a weapon, sexual violence is not immediately viewed as strictly a women's issue or a human rights issue, both of which stymie states and security-focused international organizations whose central focus is the maintenance of international peace and security through the regulation of weapons and threats. Framing wartime sexual violence as a systematic atrocity used as a weapon against civilians narrows the scope of what the international community can and should address; the narrow scope not only simplifies a complex issue such that it becomes easily recognizable in discourse and in practice but it also protects states' armed forces from condemnation of opportunistic sexual violence and exploitation during military or peacekeeping deployments. The 'weapon of war' frame for sexual violence is thus more easily understood and addressed by state actors and—perhaps more importantly—it does not directly threaten their interests or credibility, even though responding to sexual violence is not cost-free. Despite the international focus on sexual violence as a weapon of war, the development of the international response defies interest-based explanations because of the sustained and increasingly institutionalized commitment to condemning sexual violence as a weapon of war, which is an inherently normative issue. Interest-based explanations would not expect states, especially strong states, to expend resources on sexual violence committed in foreign wars.

The perception of wartime sexual violence as inevitable gave way to efforts to hold perpetrators accountable, to build consensus that sexual violence is not an acceptable weapon of war, and to shift the stigma of sexual violence away from victims. Even though it has increased in strength and consistency since the mid-1990s, the

international community's response to wartime sexual violence is not yet automatic; rather, advocates and policymakers within NGOs, states, and IOs have fought for each political and legal victory won in the last two decades. Sustained efforts to address wartime sexual violence have resulted in the development of precedents in international criminal and humanitarian law that specifically prohibit sexual violence in war, state and multilateral initiatives and policies calling for an end to the use of systematic sexual violence, and numerous programs on the ground in ongoing conflicts and post-conflict regions.

Successful efforts to respond to wartime sexual violence have focused on sexual violence as a weapon of war. Individual cases of wartime sexual violence in which the motives behind and scale of violence are more ambiguous fail to generate strong international responses and the overall international effort to address the general issue of wartime sexual violence center on the understanding of sexual violence as a weapon. In the dissertation I examine the impact of the 'weapon of war' frame on efforts to respond to wartime sexual violence and the facilitative political conditions that allowed this particular frame to emerge and become the dominant political understanding of wartime sexual violence. A solid grasp on the political dynamics surrounding the issue of wartime sexual violence is necessary for the more general understanding of how overlooked issues become global priorities.

The chapter proceeds by briefly discussing the central question, my core explanation, and two alternative explanations in section 1.1. Section 1.2 outlines the key concepts and research design. Section 1.3 presents the dissertation's contribution to International Relations (IR) scholarship, the literature on sexual violence, and the civil

society and policy discussions of sexual violence. Section 1.4 provides the plan of the dissertation.

### **1.1. Central Question, Argument, and Alternative Explanations**

Why does the international community of states, international organizations, and nongovernmental organizations, and the individual advocates within and outside of these states and organizations respond to wartime sexual violence now, when it was unable or unwilling to do so in the past? Over the course of two decades, wartime sexual violence transitioned, within international discussions and policies, from an overlooked by-product of war to a deliberate weapon or tactic used systematically by combatants against civilians. The reality of wartime sexual violence did not change; the way in which state and international political actors perceived and discussed it changed. This section introduces my argument and two alternative explanations for the international response to wartime sexual violence.

### **The Impact of Framing Sexual Violence as a Weapon of War**

The successful framing of wartime sexual violence as a weapon or tactic of war is the most crucial factor determining its increased salience as an international issue. When the international community began to view and discuss sexual violence as a weapon of war, states and international organizations started to take the issue seriously. From the mid-1990s onward, the issue of wartime sexual violence gained greater recognition when discussed in terms of military strategy, tactics, and weapons. Sexual violence that is used systematically or strategically against civilians, especially when those civilians are women and young girls, gets attention; this type of sexual violence, sexual violence as a

weapon of war, resembles the more conventional weapons that states and international organizations are accustomed to condemning and prohibiting. By framing sexual violence as a weapon of war advocates narrowed the scope of a complex spectrum of violence to such an extent that states, IOs, and security-minded individuals and groups were not only able to understand it but to prioritize it. When sexual violence is a weapon it is no longer a regrettable by-product of war but a centerpiece of military strategy and an act that the international community can condemn, prevent, and mitigate. The dominant frame through which the international community views wartime sexual violence—sexual violence as a weapon of war—has shaped the degree to which states, non-governmental organizations, and international organizations respond to the use or occurrence of sexual violence in armed conflict.

Constructivist insights suggest that the international community condemns certain actions that are proscribed by norms or beliefs about what constitutes appropriate behavior. The list of proscribed behaviors is, of course, subject to change over time and as a result of social interactions within the international community. As Martha Finnemore observes, “Interests are not just ‘out there’ waiting to be discovered; they are constructed through social interaction.”<sup>6</sup> So, too, are perceptions of right and wrong in warfare. National and international political responses to wartime sexual violence developed as activists and concerned policymakers increasingly discussed sexual atrocities in terms of military strategy and weaponry. The ‘weapon of war’ frame, like any frame, required advocates to engage in strategic maneuvering and persuasion to secure mass appeal and support.

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<sup>6</sup> Martha Finnemore. 1996. *National Interests in International Society*. Ithaca, NY: Cornell University Press. 2.

Framing is an essential aspect of issue emergence and new norm development because an issue's frame has a significant impact on the issue's ability to resonate with the international community or successfully graft onto existing issues and norms.<sup>7</sup> Richard Price's work on the international prohibition of anti-personnel land mines, for example, suggests that the use of graphic images of bodily harm to vulnerable or 'innocent' groups (namely civilian children) effectively mobilized transnational advocacy and state support for the prohibition of what was once considered an acceptable weapon.<sup>8</sup> The advocates attempting to introduce a new issue to the international community engage in "active, manipulative persuasion" to attract attention to the issue and create a sense of urgency in addressing it.<sup>9</sup> The first step is to introduce the issue within the right frame. In his discussion of the factors that motivate individuals to participate in collective action, Sydney Tarrow observes that frames "justify, dignify, and animate collective action".<sup>10</sup> A frame makes an issue relatable, understandable, and generalizable and is essential for the success of transnational advocacy and normative change. There is a strategic element to issue framing, as Michael Barnett notes in his study of the Oslo process: "actors strategically deploy frames to situate events and to interpret problems, to fashion a shared understanding of the world, to galvanize sentiments as a way to mobilize and guide social

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<sup>7</sup> Richard Price. 1995. "A Genealogy of the Chemical Weapons Taboo." *International Organization* 49(1): 73-103.

Richard Price. 1998. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52(3): 613-644.

R. Charli Carpenter. 2005. "'Women, Children and Other Vulnerable Groups': Gender: Strategic Frames and Protection of Civilians as a Transnational Issue." *International Studies Quarterly* 49(2): 295-334.

R. Charli Carpenter. 2007. "Setting the Advocacy Agenda: Theorizing Issue Emergence and Nonemergence in Transnational Advocacy Networks." *International Studies Quarterly* 51: 99-120.

<sup>8</sup> Price 1998. 619-623.

<sup>9</sup> Price 1998, 616.

<sup>10</sup> Sidney Tarrow. 1998. *Power in Movement: Social Movements and Contentious Politics*. New York: Cambridge University Press. 21.

action, and to suggest possible resolutions to current plights.”<sup>11</sup> The right frame allows advocates to link the issue to past situations and existing norms, thereby ensuring acceptance by a broad range of international actors.

Frames not only impact the extent to which an issue is accepted or embraced by the international community, they have real effects on the ways in which states craft their policies and organizations carry out their daily work.<sup>12</sup> Framing sexual violence as a weapon of war generated increased international attention to the occurrence of wartime sexual violence and led state and IO leaders to understand the severity of this type of atrocity. Perhaps more importantly, the ‘weapon of war’ frame also led the international community to *act* in response to reports of sexual violence used as a weapon and has shaped national policies and international organizations’ agendas.

Wartime sexual violence has been framed as a women’s rights issue, a human rights violation, and as a weapon of war or genocide, each with varying degrees of success.<sup>13</sup> Responding to sexual violence used as a weapon of war offers states and IOs a way to condemn an atrocity that has been concretely defined. If states and IOs were to respond to the broader spectrum of sexual violence in war and post-conflict situations, including opportunistic sexual violence and sexual exploitation, they would have to take on broader issues of gender equality, human rights, and civil-military relations. While NGOs and many advocates champion a broader approach to the international response to

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<sup>11</sup> Michael Barnett. 1999. Culture, Strategy and Foreign Policy Change: Israel’s Road to Oslo.” *European Journal of International Relations* 5(1):15.

<sup>12</sup> R. Charli Carpenter. 2005. “‘Women, Children and Other Vulnerable Groups’: Gender: Strategic Frames and Protection of Civilians as a Transnational Issue.” *International Studies Quarterly* 49(2): 295-334.

<sup>13</sup> For definitions of sexual violence, see: Rome Statute of the International Criminal Court, 17 July 1998; United Nations Security Council Resolution 1325, 31 October 2000; United Nations Security Council 1820, 19 June 2008.

sexual violence, action in the most influential spheres of the international community is almost entirely limited to the one clearly defined area of wartime sexual violence that resonates strongly with security-minded states and organizations, as well as with international legal precedent. The response to wartime sexual violence as a weapon has opened the door to conversations about the broader spectrum of sexual violence, but for now the international response is firmly rooted in the ‘weapon of war’ frame.

The dissertation makes an important contribution through the study of the processes that led the ‘weapon of war’ frame to become the dominant understanding of wartime sexual violence. The ‘weapon of war’ frame is the most critical factor determining the development of the international community’s response to wartime sexual violence in the past two decades, but instead of taking the frame as given I examine how and why advocates adopted the frame and how that choice shaped international action. Three facilitative political conditions have supported the emergence and dominance of the ‘weapon of war’ frame and, consequently, the increased international response to wartime sexual violence. The facilitative conditions alone cannot explain the trajectory of the international response to wartime sexual violence; instead, each condition provided support for the ‘weapon of war’ frame at critical junctures in the development of the international response. These conditions include salient conflict analogies, mobilization around the issue of women’s human rights, and the use of political leverage opportunities.

### *Three Facilitative Conditions*

The first condition involves the use of salient analogies to discuss wartime sexual violence: by likening individual cases of wartime sexual violence to past well-publicized



cases, advocates were able to demonstrate similarities in the use of sexual violence as a weapon and promote international responses to individual conflicts involving sexual violence and to the issue in general. When confronted with novel situations advocates and policymakers use historical lessons or analogies to create cognitive shortcuts and ‘learn from history’.<sup>14</sup> By using historical analogies a decision-maker is able to make sense of a new situation; when two events appear to be similar in one respect (a crisis characteristic or another leader’s perceived intentions, for example) the decision-maker presumes that they will also be similar in another respect: the outcome of the action taken. Dramatic and recent events are often more salient, as Robert Axelrod explains: because of his or her imperfect cognitive capacity a decision-maker will not (or cannot) examine incoming information against all possible analogies or lessons, but will settle for those that are readily recalled, which tend to be traumatic, recent, and personal events.<sup>15</sup>

In a break with the literature on analogical reasoning, I contend that analogies shape not only individual decision-making processes regarding events pertinent to national security and state interests, but that they also shape entire normative issues when advocates use analogies as tools to persuade others to act. The international response to wartime sexual violence has been motivated in part by reactions to specific conflicts and the lessons learned from them. The discussion of wartime sexual violence at the state and

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<sup>14</sup> Yuen Foong Khong. 1992. *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965*. Princeton: Princeton University Press. 6.

Keith L. Shimko. 1994. “Metaphors and Foreign Policy Decision Making” *Political Psychology* 15(4): 655-671.

Ernest May. 1973. *“Lessons” of the Past: The Use and Misuse of History in American Foreign Policy*. New York: Oxford University Press. ix-xii.

Robert Jervis. 1976. *Perception and Misperception in International Politics*. Princeton: Princeton University Press. 217.

<sup>15</sup> Robert Axelrod. 1973, “Schema Theory: An Information Processing Model of Perception and Cognition.” *American Political Science Review* 67(4): 1265.

international levels in the mid-1990s and 2000s was unprecedented. By equating the conflict in Bosnia to genocide in Europe during World War II and by equating sexual violence in the Democratic Republic of the Congo to sexual violence in Bosnia advocates and policymakers have used analogies to grapple with seemingly unprecedented situations and to convince both hesitant and staunchly opposed colleagues, state delegations, and members of international forums that sexual violence ought to be a priority. The ‘weapon of war’ frame has been supported by frequent and strategically employed references to systematic sexual violence in particular conflicts, especially those in the mid-1990s. A new case of sexual violence can only fit within the dominant frame if it resembles, or is purported to resemble, past cases in which combatants used or appeared to use sexual violence as a weapon. With the addition of each new case and repeated references to horrific past cases, the ‘weapon of war’ frame resonates more strongly within national and international policy circles and civil society.

I contend that analogies do not just provide passive lessons. Analogies can, and often are, strategically employed by advocates in support of a chosen issue frame. The most common analogues used in discussions of wartime sexual violence are the wars in the former Yugoslavia, Rwanda, and—much later—the Democratic Republic of the Congo (DRC). Sexual violence in each conflict was widely covered in the media and discussed by advocates and policymakers in attempts to bring about and justify national and international policies and commitments concerning wartime sexual violence as a general issue or in a specific conflict. By comparing new conflicts to past cases of horrific and systematic wartime sexual violence, advocates and policy makers both increase the likelihood of an international response to those particular conflicts and

solidify the 'weapon of war' frame by emphasizing the importance of this particular type of sexual violence.

The second condition accounts for the historical context in which the international community began to recognize wartime sexual violence: transnational advocacy in the mid-1990s on behalf of human rights in general and women's rights as human rights in particular called attention to issues of violence against women and, given the conflicts in the former Yugoslavia and Rwanda, systematic sexual violence in war. The presence of NGOs, norm entrepreneurs, and Bosnian survivors of sexual violence at the Second World Conference on Human Rights in Vienna in 1993 and the UN Conference on Women in Beijing in 1995 provided the foundation for transnational efforts to demand that leaders of national governments, the United Nations, and the international tribunals for the former Yugoslavia and Rwanda take seriously sexual violence crimes. The process of issue adoption and normative change is driven by the collective efforts of states, IOs, NGOs, and individual advocates.<sup>16</sup> The second condition focuses on the important role played by transnational advocates in generating international recognition of systematic sexual violence in the mid-1990s.

The assumption that transnational advocacy matters in shaping international beliefs and actions stems from scholarship by Finnemore and Sikkink, Keck and Sikkink, and Price. In their study of the norm life cycle, Finnemore and Sikkink find that the norm emergence stage, the first stage of a new norm's development, is driven by norm entrepreneurs' or advocates' efforts to persuade a critical mass of states to adopt or

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<sup>16</sup> Olga Avdeyeva. 2007. "When Do States Comply with International Treaties? Policies on Violence against Women in Post-Communist Countries" in *International Studies Quarterly* 51: 877-900.

Finnemore and Sikkink 1998; Emilie M. Hafner-Burton. 2008. "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." *International Organization* 62(3): 689-716.

embrace the new norm.<sup>17</sup> Price observes that members of transnational civil society use four techniques to persuade others to embrace a new issue or norm: transnational advocates “generate an issue by disseminating information”; establish “networks for proselytizing to generate broad support [...] within, across, and outside government channels”; graft the new norm onto existing norms; and “reverse the burden of proof involved in contesting norms” by demanding that states “publicly justify their positions”.<sup>18</sup> Transnational civil society, which Price describes as the “set of interactions among an imagined community to shape collective life that are not confined to the territorial and institutional spaces of states”,<sup>19</sup> plays an active role in the “moral persuasion” and “social pressure” necessary to bring about ideational change.<sup>20</sup>

Transnational advocates’ choice of frame is a significant factor determining the success of a movement. Keck and Sikkink find that efforts to promote the protection of bodily integrity, the prevention of bodily harm for vulnerable populations, and legal equality are most likely to generate international support.<sup>21</sup> The *presence* of transnational advocacy focused on wartime sexual violence is insufficient, on its own, to explain the international response to the issue. The frame advocates chose is significant. Human rights and women’s rights advocates in the mid-1990s discussed wartime sexual violence in terms of a women’s human rights issue and focused on women’s (lack of) empowerment and gender norms as contributing factors. A second frame at the time, used predominantly by policymakers and government or IO officials, focused on the systematic nature of sexual violence and suggested that its use resembled a weapon of

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<sup>17</sup> Finnemore and Sikkink 1998, 895.

<sup>18</sup> Price 1998, 616-617.

<sup>19</sup> Price 1998, 615.

<sup>20</sup> Price 1998, 616.

<sup>21</sup> Keck and Sikkink 1998, 203-206.

war. The rights-based frame was less successful in generating sustained international attention and action and the ‘weapon of war’ frame became the dominant frame during twenty-first century discussions of wartime sexual violence. When advocates discuss wartime sexual violence in terms of a weapon of war, as they have more recently, they tend to evoke international responses to specific conflicts or to the issue in general. The impact of transnational advocacy in the mid-1990s cannot be ignored, however, and it demonstrates that mobilization around key events that are perceived as unprecedented can launch an issue onto the international agenda.

The third and final facilitative condition complements the second and introduces an element of power into the story: individuals in positions of power within or related to strong national governments and the UN or other powerful IOs leveraged their influence in support of the ‘weapon of war’ frame and secured responses to wartime sexual violence. Carpenter’s study of bans on specific types of weapons delves into agenda setting and vetting mechanisms and suggests that variation in issue adoption by transnational advocacy networks is explained by the agendas and decision-making processes of the most central organizations—the nodes—in transnational networks.<sup>22</sup> Claims made by certain organizations, reputable and established organizations like Human Rights Watch and the International Committee of the Red Cross, are taken more seriously by states.<sup>23</sup> These central organizations can then use their agenda setting and vetting capabilities to influence advocacy networks’ agendas and construct (or constrain) entire issue areas.<sup>24</sup> The key implication is that an issue must resonate with the decision-

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<sup>22</sup> R. Charli Carpenter, 2011. “Vetting the Advocacy Agenda: Network Centrality and the Paradox of Weapons Norms.” *International Organization* 65: 69-70.

<sup>23</sup> Carpenter 2011, 99.

<sup>24</sup> Carpenter 2011, 73.

makers in influential organizations.<sup>25</sup> I apply this finding to decision-makers and influential individuals within states and IOs, as the same logic should apply: some states and IOs have more influence than others, whether that influence comes from established credibility, from military or economic power, or from a combination thereof.

States and IOs are the gatekeepers of new issues and norms.<sup>26</sup> States exist within a community and are susceptible to social pressure to conform, and so the approval of powerful, influential states and key member states or leaders of IOs will lend significant support to an issue.<sup>27</sup> For example, United States (US) leadership at the UN Security Council was a vital determinant of the successful adoption of Security Council Resolution 1820 (Resolution 1820), which refocused the Security Council's and strong states' attention on sexual violence in 2008 after a several-year lapse in recognition. My analysis of the international response to wartime sexual violence demonstrates that the political influence of an advocate is highly consequential; this finding is logical but understudied as a mechanism in norm development and advocacy.

None of the three facilitative conditions was sufficient on its own to generate international responses to specific conflicts involving sexual violence or to the issue in general, but each helped the 'weapon of war' frame become the dominant frame for wartime sexual violence and in light of this understanding of sexual violence the international community began to respond and has continued to make commitments to prevent, condemn, and mitigate wartime sexual violence used as a weapon.

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<sup>25</sup> Carpenter 2011, 99. Bob et al confirm the influence of organizational gatekeepers on advocacy agendas. Clifford Bob, ed. 2009. *The International Struggle for New Human Rights*. Philadelphia: University of Pennsylvania Press.

<sup>26</sup> Finnemore and Sikkink, 1998, 895.

<sup>27</sup> Avdeyeva 2007, 877-900.

Martha Finnemore. 2003. *The Purpose of Intervention: Changing Beliefs About the Use of Force*. Ithaca, NY: Cornell University Press.

Once the ‘weapon of war’ frame achieved centrality in international recognition and discussion of wartime sexual violence, the international community’s ability and willingness to respond to wartime sexual violence increased. I examine the impact of the ‘weapon of war’ frame and the three facilitative conditions in depth in relation to critical developments in the international response: the early days of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR); the United States response to sexual violence in the Democratic Republic of the Congo (DRC) between 1996 and 2012; United Nations Security Council Resolution 1820; and early efforts to launch the United Kingdom’s Preventing Sexual Violence Initiative (PSVI).

I contend that framing matters in international politics, especially with regard to the condemnation of atrocities in war. In connecting issue framing with analogical reasoning, transnational advocacy, and power I offer an explanation that synthesizes insights from multiple literatures within and outside of International Relations. As discussed above, the argument runs counter to the conventional wisdom on the international response to atrocities and, indeed, it conflicts with my initial assumptions about the international response to wartime sexual violence prior to conducting this research.

### **Alternative Explanations**

I examined two plausible alternative explanations that challenge my framing argument. The first alternative explanation comes from interest-based approaches to International Relations (IR) and argues that states and IOs will respond to wartime sexual violence when doing so is strategically convenient or beneficial. The second alternative

explanation focuses on the shifting dynamics within national governments and IOs as more women have begun to occupy positions of power.

The interest-based explanation contends that states and IOs—as extensions of states—will condemn wartime sexual violence committed by an adversary as a way to cover or justify planned military actions or sanctions. Realist scholars view international laws and norms as the ‘windowdressing’ used by liberal states who wish to promote and protect their interests.<sup>28</sup> According to this explanation sexual violence as an issue does not motivate state and IO responses; condemnation merely serves as justificatory rhetoric. Any response to wartime sexual violence is simply cheap talk and there is little to no cost associated with condemning the use of sexual violence.<sup>29</sup> This logic adequately explains situations in which states have cited an adversary’s use of sexual violence along with a litany of other human rights abuses as justification for placing sanctions or launching a military intervention.

The US cited human rights violations, oppression of women, and the use of rape as a tool to suppress political opposition in Afghanistan and Iraq as justification for the War on Terror. Ben-Porath’s study of presidential rhetoric discusses the Bush administration’s condemnation of the oppression of Afghan women under the Taliban to justify military intervention: the “image of the Afghan woman shrouded in the burqa played a leading role” in the administration’s public justification for military intervention

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<sup>28</sup> Avdeyeva 2007, 880.

<sup>29</sup> See: Lisa Hultman. 2012. “UN peace operations and protection of civilians: Cheap talk or norm implementation?” *Journal of Peace Research* 50(1): 59-73; Anne E. Sartori. 2002. “The Might of the Pen: A Reputational Theory of Communication in International Disputes.” *International Organization* 56(1): 121-149. Alastair Smith. 1998. “International Crises and Domestic Politics.” *American Political Science Review* 92(3): 623-638.



in Afghanistan after the September 11, 2001 attacks.<sup>30</sup> Prior to the invasion of Iraq in 2003, the Bush administration similarly publicized human rights violations and use of rape as a means to suppress opposition in Iraq, citing the Iraqi regime's use of 'rape rooms' and its general practice of rape as a method of intimidation.<sup>31</sup> After the revelation of sexual abuses carried out by US troops at Abu Ghraib, however, all mention of rape rooms and torture faded from the administration's rhetoric.<sup>32</sup> When condemning sexual violence became politically inconvenient and had the potential to undermine support for intervention in Iraq, the administration abandoned its rhetoric on sexual violence.

Condemnation of sexual violence can serve as a powerful force to rally support behind belligerent policies, but once it ceases to serve a political purpose the state will no longer engage in condemnation if state interest is the chief motivation. Although this explanation recognizes that sexual violence is a convenient rhetorical tool for states and IOs that wish to apply a humanitarian veneer to planned military action or politically-motivated sanctions, it is insufficient to explain the long-term, sustained, and increasingly institutionalized international response to the general issue of wartime sexual violence as well as the response to specific conflicts in which states have no direct national interest.

The increased presence of women in national governments, NGOs, and IOs offers a second compelling alternative argument. This explanation contends that when women hold positions of influence in states and organizations the agendas of those bodies will

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<sup>30</sup> Ayotte, Kevin J. and Mary E. Husain. 2005. "Securing Afghan Women: Neocolonialism, Epistemic Violence, and the Rhetoric of the Veil." *NWSA Journal* 17(3): 112-133.

<sup>31</sup> Eran N. Ben-Porath. 2007. "Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts." *Presidential Studies Quarterly* 37(2): 194.

<sup>32</sup> Ben-Porath 2007, 196.

include women's rights and security issues.<sup>33</sup> Discussions of the early days of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) support the application of this explanation to legal institutions: male prosecutors and judges did not prioritize sexual violence charges, viewing these charges as lesser offenses compared to murder and genocide.<sup>34</sup> Richard Goldstone, the chief prosecutor of the ICTY and ICTR, saw it as his duty to appoint qualified female prosecutors in order to fulfill the Security Council's instructions and meet transnational advocates' demands to include prosecution of sexual violence in the tribunals' work.<sup>35</sup> Goldstone and the female lawyers and investigators working on the ICTR and ICTY sexual violence cases worked tirelessly to defend the importance of those cases, often combating an organizational culture that viewed these crimes as secondary or unimportant.<sup>36</sup>

How does the presence of women affect political institutions and organizations? The effect appears to be similar at first glance. The increased presence of women certainly made national governments and the UN more open to including women's issues among their policy priorities, as evidenced by the thirty-four states that have drafted National Action Plans on Women, Peace, and Security and the active Women, Peace, and Security initiative at the UN.<sup>37</sup> What this explanation misses, however, is variation in the strength of the international response to wartime sexual violence in short periods of time

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<sup>33</sup> Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press. 14-15.

<sup>34</sup> Peggy Kuo. 2002. "Prosecuting Crimes of Sexual Violence in an International Tribunal." *Case Western Reserve Journal of International Law* 34: 308-311.

<sup>35</sup> Richard J. Goldstone. 2002. "Prosecuting Rape as a War Crime." *Case Western Reserve Journal of International Law* 34: 276-285.

<sup>36</sup> Kuo 2002, 305-321.

<sup>37</sup> The current list of existing National Action Plans is available here: <http://www.peacewomen.org/pages/about-1325/national-action-plans-naps>

at certain critical junctures. The increased presence of women can explain long-term shifts in policy agendas but is insufficient to explain the recent cases addressed in the dissertation in which changes in support for efforts addressing sexual violence were dramatic and quick, including the adoption of Resolution 1820 and the United Kingdom's Preventing Sexual Violence Initiative (PSVI). This explanation also falls short when the trajectory of the international response to wartime sexual violence is taken into account: the international response to wartime sexual violence gained strength and became much more consistent once sexual violence was discussed as a weapon of war, but this particular frame is one that advocates and policymakers focused on women's empowerment issues least prefer because it casts women as victims rather than agents. Had a more empowering or gender-conscious frame for wartime sexual violence become the dominant frame—for instance, sexual violence as a barrier to women's full participation in reconstruction or even sexual violence as a human rights violation—it would have lent more support to this explanation. This is not to say that women's presence and influence in states and organizations does not play a role; indeed, women's increased role and influence in the international community and transnational advocacy efforts is related to my argument's second facilitative condition, discussed above. Women's increased presence in institutions does appear to be linked to increased receptivity to policies promoting women's interests in general; sexual violence perceived as a weapon of war, however, is more a security issue than a women's issue. The evidence does not support a direct causal relationship between women's presence and the trajectory of the international response to wartime sexual violence. The institutional

presence of women may be a necessary condition in the development of the international response to wartime sexual violence, but it is not sufficient.

## **1.2. Research Design**

### **Key Concepts**

This section introduces the concepts of sexual violence and armed conflict and discusses the ways in which they are used throughout the dissertation.

#### *Sexual Violence*

Sexual violence has occurred and continues to occur during and after a great number of wars, whether as a military strategy or a by-product of the chaos and political, social, and economic instability of the conflict.<sup>38</sup> References to rape, abduction, forced marriage, forced prostitution, and sexual slavery are prevalent throughout historical accounts of warfare.<sup>39</sup> Although sexual violence perpetrated 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.<sup>40</sup>

Wartime sexual violence 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 and girls suffer in war, or that women and girls are the only victims of wartime sexual violence. Men and boys are victimized as well, whether they themselves

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<sup>38</sup> Elisabeth Jean Wood presents a compelling study of the armed conflicts in which rape is rare, offering a reminder that sexual violence is not an inherent by-product or constant strategy of war. Elisabeth Jean Wood. 2009. "Armed Groups and Sexual Violence: When Is Wartime Rape Rare?" *Politics and Society* 37: 131-161.

<sup>39</sup> Catherine N. Niarchos. 1995. "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 17(4): 659.

<sup>40</sup> Joshua Goldstein. 2001. *War and Gender: How Gender Shapes the War System and Vice Versa*. New York: Cambridge University Press. 362.

are sexually violated or whether they are forced to commit sexual violence—often in the form of forced incest—or witness violence against a spouse, child, or family member. Given the relative dearth of information on sexual violence of men and boys at the time of writing, as well as the fact that women and girls constitute the majority of documented victims and survivors, my study focuses on sexual violence against female civilians except when available data and documents explicitly recognize men and boys.

Accounts of wartime sexual violence often highlight the disproportionate impact on women and girls. As Kelly Dawn Askin observes: “the same atrocities which happen to the civilian male 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.”<sup>41</sup> Sexual violence involves a range of gender-based violence, including rape, “forced prostitution, forced sterilization, forced abortion, pornography, sexual mutilation, and sexual sadism.”<sup>42</sup> Of this range of atrocities, rape is the form most frequently referenced by scholars, human rights advocates, and policymakers. The emphasis on rape is due in large part to the fact that it is the most commonly documented act and tends to be employed in conjunction with other forms of sexual violence.

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 and both theaters of World War II involved widespread,

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<sup>41</sup> Askin 1997, 12-13.

<sup>42</sup> Jocelyn Campanaro. 2001. “Women, War, and International Law.” *The Georgetown Law Journal* 89: 2561.

systematic sexual violence.<sup>43</sup> In the Armenian genocide desirable women were auctioned off to military officials as sex slaves, while the remaining women and girls (including the very young and elderly) were raped and beaten.<sup>44</sup> During the six weeks after the Japanese capture of Nanjing in 1937, an estimated 20,000 to 80,000 women and girls were systematically raped by members of the Imperial Army. 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 to boost productivity among male captives and as a service for members of the *Schutzstaffel* (SS).<sup>45</sup> It is estimated that between 100,000 and 1,000,000 German women were raped by Soviet soldiers at war's end in Berlin.<sup>46</sup> The Japanese military forced an estimated 200,000 to 410,000 women to work as 'comfort women' for Japanese soldiers to boost morale and maintain discipline throughout the war.<sup>47</sup>

Accounts from the second half of the twentieth century demonstrate that wartime sexual violence remained a consistent feature of armed conflict 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 Bengali women in an effort to crush Bangladesh's independence movement in 1971.<sup>48</sup> 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

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<sup>43</sup> Janie L. Leatherman. 2011. *Sexual Violence and Armed Conflict*. Cambridge, UK: Polity. 2.

<sup>44</sup> Leatherman 2011, 51-52.

<sup>45</sup> Leatherman 2011, 52.

<sup>46</sup> Elizabeth Heineman. 2008. "The History of Sexual Violence in Conflict Zones: Conference Report." *Radical History Review* 101:5.

<sup>47</sup> Heineman 2008, 5.

<sup>48</sup> Patricia A. Weitsman. 2008. "The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda." *Human Rights Quarterly* 30: 563.

organized within military compounds.”<sup>49</sup> Although sexual violence in both of these cases was fairly common knowledge, international political recognition was almost completely stifled by the international structure of the Cold War era and the low priority assigned to human rights—especially women’s human rights—abuses.

Table 1, below, presents a brief picture of the scale of sexual violence in just a few armed conflicts:

Primary Location of Armed Conflict	Conflict Date Range	Estimated Number of Sexual violence Victims and Survivors (Combined)
World War II-Invasion of Nanjing	1937	20,000-80,000
World War II-Japanese military Comfort Women system	1932-1945	200,000-410,000
Post-World War II-Berlin	1945	100,000-1,000,000
Bangladesh	1971	200,000-400,000
Sierra Leone	1991-2002	50,000- 64,000
Bosnia	1991-1993	20,000-64,000
Rwanda	1994	500,000
Democratic Republic of Congo	1997-	390,000

**Table 1: Estimated Scale of Sexual Violence in Selected Conflicts**

Sexual violence has formed an integral component of the armed conflicts in Liberia, Peru, Rwanda, Somalia, Uganda, Guatemala, Kuwait, the former Yugoslavian states, Sudan,<sup>50</sup> and Sierra Leone,<sup>51</sup> with rape and other forms of sexual violence inflicted upon tens and hundreds of thousands of female and male civilians. In essence, sexual violence is “what war is all about.”<sup>52</sup> The scale and prevalence of wartime sexual violence fostered a sense of resignation and the notion that it was simply an inevitable consequence of war. Implicit acceptance of this inevitability created an environment of international

<sup>49</sup> Niarchos 1995, 667-668; Askin 1997, 236.

<sup>50</sup> Weitsman, 563.

<sup>51</sup> Heineman, 2008, 5.

<sup>52</sup> Miranda Alison. 2007. “Wartime sexual violence: women’s human rights and questions of masculinity.” *Review of International Studies* 33: 80.

indifference toward the strategic use and opportunistic occurrence of sexual violence until the final years of the twentieth century.

Within my study, ‘wartime sexual violence’ encompasses both systematic or strategic and opportunistic sexual violence. For the purposes of clarity, I will use the terms ‘systematic sexual violence’, ‘strategic sexual violence’, and ‘sexual violence as a weapon’ when sexual atrocities are documented as or widely presumed to be the 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 system in World War II. I will also use the term ‘systematic sexual violence’ when policy documents, transcripts, and interviewees use the term. Use of the term ‘systematic sexual violence’ by policymakers signals their *perception* that a particular case of sexual violence is a case of strategic sexual violence and the response is based on this perception. The dissertation focuses heavily on systematic sexual violence as a reflection of the international political discussion of wartime sexual violence; international actors, especially states and international organizations, are more likely to recognize systematic or strategic sexual violence.

The term ‘opportunistic sexual violence’ does not suggest that such violence is less egregious but instead accounts for the fact that it is not directly related to military strategy. Instances of opportunistic sexual violence stem a sexualized distribution of power during armed conflict. These may include, for example, acts of sexual violence committed by combatants without orders from or the consent of military superiors. Opportunistic sexual violence includes rape and the broad range of sexual and gender-



based atrocities enumerated above, but it is important to note that it may *also* include cases of conflict zone prostitution (where consent is questionable or entirely absent) and other forms of sexual exploitation. Opportunistic sexual violence arises from combat units' inability to enforce norms or policies condemning sexual violence,<sup>53</sup> the intermingling of combatants and civilians in wars with blurred or nonexistent front lines, and the economically, politically, legally, and socially unstable conflict environment.<sup>54</sup> Examples include the proliferation of 'survival sex' with and sexual exploitation and abuse by combatants or peacekeepers and humanitarian workers, including (but not limited to) in the conflicts in Mozambique,<sup>55</sup> Somalia, and Cambodia.<sup>56</sup> Although strategic or systematic sexual violence perpetrated as a conflict strategy is more likely to be the target for state and international organization recognition, opportunistic violence is pervasive in conflict zones, persists long after active fighting has ceased and peacekeeping operations are underway, and is entrenched in many military cultures.<sup>57</sup> Chapter 6 will discuss the international community's failure to respond to opportunistic sexual violence in light of the focus on sexual violence as a weapon of war.

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<sup>53</sup> Wood 2009, 131-161.

<sup>54</sup> Prostitution becomes a thriving industry near military bases and in areas surrounding conflict zones. Cases of rape may be viewed as prostitution if the perpetrator 'paid' the victim afterwards with money, food, or other goods, or if the victim was hired as a domestic employee or 'live-in girlfriend'. In essence, consent is highly questionable in cases of prostitution in conflict zones. 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.

<sup>55</sup> Donna Pankhurst. 2010. "Sexual Violence in War" in Laura J. Shepherd, ed. *Gender Matters in Global Politics: A Feminist Introduction to International Relations*. New York: Routledge. 156.

<sup>56</sup> Sandra Whitworth. 2004. *Men, Militarism & UN Peacekeeping: A gendered analysis*. Boulder, CO: Lynne Rienner Publishers, Inc.

<sup>57</sup> 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'.

An emerging and important thread in the sexual violence literature addresses variation in the prevalence and utility of sexual violence, observing that sexual violence in war is not universal and is therefore preventable and punishable.<sup>58</sup> Elisabeth Wood examines variation in the perpetration of sexual violence in conflicts through a case study of the LTTE in Sri Lanka, arguing that wartime rape is rare when military groups condemn sexual violence and are able to enforce the prohibition through a hierarchical structure.<sup>59</sup> Dara Cohen discusses the impact of recruitment mechanisms on the occurrence of rape, arguing that rape is a common socialization technique used by armed groups that abduct or forcibly conscript combatants.<sup>60</sup> Michele Leiby finds evidence that sexual violence was used as a weapon of war and that state authorities had knowledge of mass sexual violence but failed to respond in the Guatemalan and Peruvian civil wars.<sup>61</sup> She also contends that sexual violence can serve multiple purposes at different points in a single conflict. By establishing that sexual violence is not an inevitable occurrence in war but often a deliberate strategy, this body of research suggests that the international community has sufficient agency—provided the political will exists—to condemn and mitigate the effects of wartime sexual violence. My dissertation is grounded in the assumption that sexual violence is not inevitable and that the international community has come to view it as a punishable offense.

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<sup>58</sup> Dara Kay Cohen. Working Paper, last revised June 2012. “Causes of Rape During Civil War: Cross-National Evidence (1980-2009).” Cited with permission. Elisabeth Jean Wood. 2006. “Variation in Sexual Violence during War.” *Politics & Society* 34: 307-341. Wood 2009, 131-161.

<sup>59</sup> Wood 2009.

<sup>60</sup> Cohen, working paper.

<sup>61</sup> Michele Leiby. 2009. “Wartime Sexual Violence in Guatemala and Peru.” *International Studies Quarterly* 53: 445-468.

Research on the legal mechanisms in place to prosecute sexual violence includes analysis of truth commissions, precedents set by the *ad hoc* tribunals for the former Yugoslavia and Rwanda, and the need to understand the multidimensional nature of sexual violence. Kelly Dawn Askin's work traces the prevalence and historical neglect of wartime sexual violence as well as the challenges facing international legal efforts to prosecute perpetrators.<sup>62</sup> Jelke Boesten's case study of the Truth and Reconciliation Commission in Peru demonstrates that reliance on the 'rape as a weapon of war' frame obscures the many other forms of sexual violence (including opportunistic rape and rape committed by acquaintances or intimate partners) and impedes the transitional justice process, ultimately permitting continued impunity for perpetrators of the overlooked forms of sexual violence.<sup>63</sup> These studies demonstrate that, while the legal frameworks in place to address sexual violence are imperfect, they have set important precedents for the criminalization of systematic wartime sexual violence. My dissertation considers the impact of transnational activism on the early days and early decisions of the ICTY and the ICTR. The dissertation also assesses the impact of international legal precedents on the political mechanisms driving states' and organizations' more recent responses to wartime sexual violence.

I aim to bring political dynamics back into the discussion of international legal processes concerning wartime sexual violence by focusing on the importance of issue framing and by considering international tribunals *and* political commitments and the environment in which these institutions and commitments emerge and thrive. By focusing on the international political mechanisms that have increased recognition of wartime

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<sup>62</sup> Askin 1997; Henry 2011; Leatherman 2011.

<sup>63</sup> Jelke Boesten. 2010. "Analyzing Rape Regimes at the Interface of War and Peace in Peru." *The International Journal of Transitional Justice* 4:110-129.

sexual violence, I aim to synthesize the study of sexual violence and the study of international politics. The dissertation employs explanations from the IR literature to shed light on how the dominant frame for wartime sexual violence as a weapon arose.

### *Armed Conflict and War*

My understanding of ‘armed conflict’ or ‘war’ encompasses both interstate and intrastate wars. I base my understanding of armed conflict on the criteria set forth in the Uppsala Conflict Data Program/International Peace Research Institute, Oslo Armed Conflict Dataset. Armed conflicts are characterized by “a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.”<sup>64</sup> When studying sexual violence it is helpful to extend consideration beyond active hostilities through the post-conflict reconstruction period. Sexual violence often continues long after the formal cessation of hostilities and throughout the post-conflict reconstruction period and limiting consideration to the period of active fighting may obscure the prevalence of and response to sexual violence. In addition to sexual violence committed by combatants and ex-combatants, peacekeeping forces deployed to post-conflict zones have been complicit in or directly responsible for conflict-related sexual violence, which further underscores the need to consider the post-conflict reconstruction period in any study of wartime sexual violence.<sup>65</sup> In the dissertation the term ‘wartime sexual violence’ encompasses the range of sexual atrocities committed in relation to the

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<sup>64</sup> Uppsala Conflict Data Program and Centre for the Study of Civil Wars, International Peace Research Institute, Oslo. 2011. *UCDP/PRIO Armed Conflict Dataset Codebook, Version 4—2011*.

<sup>65</sup> See Whitworth and Mendelson.

war, regardless of whether such violence occurs immediately before, during, or after active hostilities.

Some wars trigger a stronger international response than other wars, and this holds true for wartime sexual violence. The occurrence of sexual violence in one conflict may elicit financial commitments, condemnation, or commitments tied to humanitarian intervention, while sexual violence in a concurrent conflict may fail to gain international recognition. Certain armed conflicts involving sexual violence not only trigger strong, sustained international responses but also impact the international response to future cases of wartime sexual violence. The dissertation discusses three such conflicts and their role in shaping the international response to wartime sexual violence; these conflicts include the wars in Rwanda, Bosnia, and the Democratic Republic of Congo. Each of these cases evoked a significant, strong international response and shaped the way the international community viewed sexual violence in future conflicts.

### **Dependent Variable: The International Response to Wartime Sexual Violence**

The international response to wartime sexual violence is the dependent variable or phenomenon of interest in my study. Accepting as a foundational assumption the idea that states, NGOs, IOs, and the individuals within and outside of them coexist and function as a community, I study this community's response to wartime sexual violence, an issue of human rights, gender inequality, and security that has been overlooked and silenced throughout history. The international response to wartime sexual violence at any given time may include diplomatic recognition or discussion in a multilateral forum, policies or resolutions, speeches, international legal actions, material commitments, naming and shaming, or all or none of these efforts. The dissertation emphasizes the

response of strong or normatively influential states, organizations with international memberships (especially the United Nations (UN)), “hub” or highly influential nongovernmental organizations, and powerful national and transnational norm entrepreneurs.<sup>66</sup> Strong states, especially the United States (US) and United Kingdom (UK) are the central targets of NGOs’ and advocates’ campaigns to address wartime sexual violence; these states are the states with the financial and political influence to pressure other states into adopting or at least superficially accepting new norms and taboos. The UN, US, and UK are particularly influential international actors and they have been involved throughout each of the critical junctures in the development of the international response to wartime sexual violence.

Based on a review of the literature on wartime sexual violence, including the creation of the *ad hoc* tribunals and organizations’, states’, and activists’ efforts to address wartime atrocities I have designed a scale of possible responses to cases of wartime sexual violence. The scale is intended to shed light on my classification of international responses to wartime sexual violence and to provide a sense of the variation in international responses to specific conflicts and the issue of sexual violence in general over time. Table 2, below, presents the range, type, and description of potential international responses to sexual violence in specific armed conflicts and as a general issue employed in each of the case studies in the dissertation:

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<sup>66</sup> Carpenter 2011, 69-102.

Range	Type of response	Description
No response	Non-recognition	Sexual violence is not recognized as part of a given conflict or the conflict itself is not recognized. Wartime sexual violence as an issue is not recognized.
Weak response	Rhetorical recognition	Sexual violence is recognized as part of a given conflict and the case is discussed as the subject of a speech, unprompted remarks during a press conference, and/or in a press release. Wartime sexual violence as an issue is recognized in speeches, remarks, or press releases but no further commitment is made.
Moderate response	Active recognition	Sexual violence is recognized as part of a given conflict and the case is the subject of a report, publication, commissioned study, and/or hearing by a state, regional organization, international organization, or conference. Wartime sexual violence as an issue is the subject of a report, publication, commissioned study, and/or hearing by a state, regional organization, international organization, or conference.
Strong response	Material commitment	Sexual violence is recognized as part of a given conflict and an organization or state devotes financial or material resources to addressing or mitigating it. Wartime sexual violence as an issue is recognized and an organization or state devotes financial or material resources to addressing or mitigating it.
	Institutional commitment	Sexual violence is recognized as part of a given conflict and an international institution (such as a tribunal or transnational initiative) is established and specifically instructed to address sexual violence. Wartime sexual violence as an issue is recognized and an international institution (such as a tribunal or transnational initiative) is established and specifically instructed to address it.
	Human commitment	Sexual violence is recognized as part of a given conflict and a multilateral military or humanitarian force is deployed with explicit instructions to address sexual violence as a central aspect of the mandate.

**Table 2: Range of Potential International Responses**

Over the past two decades, the international community has begun to increase the strength with which it responds to cases of wartime sexual violence. Where non-

recognition or rhetorical recognition used to be the normal international (non)response to wartime sexual violence, states and organizations now consistently engage in active recognition, material commitment, and institutional commitment. The empirical chapters will trace the evolution of the international response through each of the critical junctures—the establishment of the ICTY and ICTR, the US response to sexual violence in the DRC, Security Council Resolution 1820, and the launch of the UK’s PSVI. For example, rape was recognized as a crime against humanity in the statute of the ICTY in May 1993 and a crime against humanity and a war crime in the statute of the ICTR in November 1994.<sup>67</sup> These responses would be considered institutional responses, as the international tribunals were specifically instructed to address sexual violence in two particular conflicts.

I am interested in the process leading to each of the five critical responses, as few of the responses started out with complete support for material, institutional, or human commitment but eventually reached those points through shifts in the framing of sexual violence and the presence of the facilitative conditions discussed above. In each of the case studies I trace the development of the relevant IO or state’s response from non-recognition or rhetorical recognition through institutional commitment and, in the case of the PSVI, human commitment. For example, when a draft of Resolution 1820 was initially presented to Security Council members a year before its adoption it did not use the ‘weapon of war’ frame for sexual violence and Council members were opposed to the categorical condemnation of sexual violence, as this would open the floodgates for involvement in domestic issues and could implicate some Council members’ own affairs in a few cases. When advocates—both within the UN bureaucracy and groups with ties to

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<sup>67</sup> Henry 2011, 3.



the Security Council— reframed the debate and made it clear that the resolution would apply to sexual violence commissioned as a weapon or tactic of war, all Security Council members were willing to support its adoption.<sup>68</sup> Had the advocates failed to reframe sexual violence as a weapon of war, which fell within the Security Council’s mandate, Resolution 1820 would not have passed. By arranging the potential international responses in a qualitative scale, I aim to demonstrate that the overall international response to wartime sexual violence has grown increasingly strong and consistent over the last two decades.

## **Cases**

The dissertation traces the development of five international responses to wartime sexual violence from the past two decades to illustrate the development of a stronger international commitment to the issue. The responses range in strength and scope, with two responses originating in national policy and three originating from within the United Nations. Within each case there is significant variation in the strength of the response over time and this within-case variation is the dissertation’s focus; for instance, in the above mentioned case of UN Security Council Resolution 1820. After reframing the failed version of the resolution and engaging in intensive lobbying efforts, civil society groups, UN personnel, and United States officials were able to reintroduce the resolution, persuade potential opponents on the Security Council to consider the resolution’s merits, and facilitate its adoption in 2008. The transition from failed draft resolution to unanimously adopted and celebrated resolution offers important insights into the political dynamics that shape the international response to wartime sexual violence.

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<sup>68</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

Although the international response to wartime sexual violence is often galvanized by the events of a particular conflict, the lasting result is a response to the issue of wartime sexual violence in general. To study the international response to wartime sexual violence over time, then, is not to focus squarely on individual conflicts, but rather to search for critical junctures in the international political effort to address the issue, the turning points after which the international response to wartime sexual violence becomes stronger or more consistent in recognition of a new conflict case. The critical junctures in my study include the statutes and early cases of the ICTY and ICTR in the mid-1990s, the adoption of UN Security Council Resolution 1820 in June 2008, the United States response to sexual violence in the Democratic Republic of the Congo between 1996 and 2012, and the launch of the United Kingdom's PSVI in 2012 and 2013. Each of these critical junctures marks a significant shift in the way in which the international community discusses and acts in response to cases of wartime sexual violence. The case studies fit together to provide a sequential view of the process through which the international response to wartime sexual violence developed over time and an analysis of how, why, and to what extent the international response has increased over the past two decades. My process tracing analysis focuses on these five critical junctures to uncover the most crucial political mechanisms driving the international response to wartime sexual violence.

I analyze the five cases within the broader context of the evolution of the international response to wartime sexual violence over time. While the five cases represent important points in the development of the international response to wartime sexual violence, they do not exist in a vacuum. The early cases influence the response to

later cases. To provide a full explanation I also incorporate into my process tracing analysis some of the policies and resolutions that did not represent critical junctures in the evolution of the international response to wartime sexual violence, particularly Security Council Resolution 1325 (passed in October 2000), if they shaped later responses by creating institutional space for the consideration of violence against women, women's empowerment, or civilian protection issues in general. The five case studies present a stark contrast to the nearly complete absence of accountability for sexual violence in the post-World War II victors' tribunals and the muted response to human rights violations in general during and after Cold War-era armed conflicts.

## **Methods**

To examine the international response to wartime sexual violence over the course of the last two decades I used process-tracing analysis to craft the detailed historical narrative laid out in later chapters. Detailed narrative process-tracing allowed me to examine the causal mechanisms driving the international response in an environment characterized by critical conflicts, individual efforts, and the interaction of multiple international actors, which George and Bennett call a “world marked by multiple interaction effects, where it is difficult to explain outcomes in terms of two or three independent variables”.<sup>69</sup> To construct the process-tracing narrative I relied on transcripts of speeches and press conferences, press releases, policy documents, studies and publications, and verbatim transcripts of hearings and meetings released by the nongovernmental organizations, international organizations, tribunals, and government agencies.

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<sup>69</sup> Alexander L. George and Andrew Bennett. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: The Belfer Center for Science and International Affairs. 206.

To complement my documentary analysis I conducted forty semi-structured interviews in person and via Skype and the telephone. Each interview focused on specific points in the development of the international response to wartime sexual violence. I conducted these interviews between September 2011 and May 2013 in the Washington, DC area and New York, NY. In addition to the interviews I conducted participant observation during several on-the-record meetings and international symposia on the issue of sexual violence between September 2011 and April 2013.

I used content analysis of the documentary evidence and my interview and meeting transcripts to determine which political mechanisms played a role in generating the international response. Specifically, I paid special attention to the following aspects of the discussion of sexual violence: (1) how sexual violence was framed or discussed; (2) the extent to which states, organizations, or individuals were responsible for the action or response; (3) whether the action or response focused on a specific conflict, group of conflicts, or the issue of wartime sexual violence in general; (4) whether the action or response was part of a broader political action targeting a specific state or group of states; and (5) whether the action or response constituted or was followed by a commitment of resources or other enforcement mechanism. In so doing, my analysis has allowed me to understand which political dynamics had causal effects.

### **1.3 Contribution**

The dissertation contributes to the discussion within IR on issue framing and condemnation of atrocities, highlights the need to account for sexual and gender-based violence within IR, synthesizes the multi-disciplinary literature on sexual violence and

insights from IR, and aims to inform the discussion of wartime sexual violence in policy circles and civil society.

An extensive body of literature in IR explains how issues make it onto the international agenda, how and why new norms come into existence, and whether and when states and organizations engage in shaming behavior in response to atrocities. My study builds on key insights from existing scholarship and examines the relationship between issue framing and the international response to a specific type of atrocity, wartime sexual violence. I seek to expand the discipline's understanding of how a dominant frame emerges in light of competition with another frame, how framing actually shapes international action and fosters sustained commitments, and how political conditions provide support for a specific frame. By exploring the role of framing in the development of the international response to wartime sexual violence I analyze an empirical issue that has been largely overlooked in the literature.

Previous research has demonstrated that state leaders cite atrocities when they are on the war path or when they must justify belligerent actions to the domestic and international publics. Although such arguments convincingly explain specific cases in which state leaders have graphically described adversaries' human rights violations or systematic mistreatment of women to justify intervention,<sup>70</sup> there is little understanding of the political dynamics that drive states and organizations to respond to atrocities in the absence of compelling national interests or a strong international norm. My study contributes to the literature by analyzing the process by which sexual violence came to be widely understood and condemned as a weapon of war. By incorporating an analysis of

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<sup>70</sup> Krista Hunt and Kim Rygiel, Eds. (2006) *(En)gendering the war on terror: war stories and camouflaged politics*. Burlington, VT: Ashgate; Ben-Porath 2007, 181-202.

analogies, transnational mobilization, and political leverage opportunities as facilitative political conditions that support the ‘weapon of war’ frame I synthesize insights from the literatures on foreign policy decision-making, transnational advocacy and norm development, and state influence and power. The dissertation demonstrates that these seemingly disparate influences in international politics come together in a surprising way to support the emergence and diffusion of the ‘weapon of war’ frame.

Why is the ‘weapon of war’ frame so powerful? The frame’s potency is explained in part by what the frame it is *not* about. One of the assumptions underpinning my argument, and validated by the research, is that framing sexual violence as a weapon of war projected the issue as a security issue rather than a women’s issue or a gender issue. Once states and organizations began to view sexual violence as a security issue they prioritized it and considered it to be within the mandate of powerful organizations like the UN Security Council. Sexual violence as a weapon of war—in its current framing—is less a ‘women’s issue’ or a ‘gender issue’ than it is a discussion of wartime strategy and atrocities, even if the realities of the issue and the structural forces contributing to the prevalence of sexual violence are the same across all of these frames. States, in particular, are hesitant to condemn acts that their own citizens or military personnel may have committed.

Sexual exploitation and opportunistic sexual violence historically accompany military deployments and peacekeeping operations, and continue to do so today; these types of sexual violence are largely excluded from international political discussions of wartime sexual violence.<sup>71</sup> When cast as a women’s issue or a broad spectrum of gender-

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<sup>71</sup> 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);

based abuses wartime sexual violence does not gain the same traction that it has developed when discussed as a weapon of war. Some states and the UN have attempted to deal with the issue of deployment-related sexual exploitation and opportunistic sexual violence, albeit to a more limited extent, but enforcement is limited and the broader and more consistent effort to condemn sexual violence as a weapon of war is suggestive of the fact that narrowly defined frames are more easily diffused through the international community. Chapter 6 explores the implications of the ‘weapon of war’ frame, specifically addressing the relative absence of sexual exploitation and opportunistic sexual violence from international efforts to condemn wartime sexual violence.

Discussing sexual violence in the context of military strategy, despite its conceptual limitations, gives states and international organizations a clearly demarcated atrocity to condemn while staying within the limits of their mandates and without implicating their own personnel. The ‘weapon of war’ frame is limited, but in its narrow scope it is clear, conspicuous, and easily understood, all of which are necessary attributes of successful frames.<sup>72</sup> The frame’s simplicity has facilitated its diffusion through the international community and set a precedent that (a) sexual violence is not an acceptable weapon of war and (b) it is appropriate for states and organizations to condemn sexual violence used as a weapon of war. I do not aim to identify the certain existence of a norm prohibiting sexual violence, as the issue is still fairly novel in the broad context of international politics and the international response to wartime sexual violence is not yet automatic, which would signal the presence of an internalized norm.<sup>73</sup> Nevertheless, I do

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Moon 1997.

<sup>72</sup> Elizabeth Kier and Jonathan Mercer. 1996. “Setting Precedents in Anarchy: Military Intervention and Weapons of Mass Destruction.” *International Security* 20(4): 87; 93-94.

<sup>73</sup> Finnemore and Sikkink 1998.

contend that the ‘weapon of war’ frame has led to stronger and more consistent international responses to wartime sexual violence in the past two decades.

If policymakers within states and IOs consider sexual violence a weapon, then sexual violence—and the broader spectrum of related forms of gender-based violence—should have a place in the IR literature. Gender issues writ large are marginalized within the field and, despite its emergence as a security issue in the political and humanitarian discourse, sexual violence is seldom discussed by IR scholars. Realists and security scholars, especially, should find themselves concerned with the use of sexual violence in war as recent research has demonstrated its military utility and effectiveness as a bonding technique or rite of passage for combatants.<sup>74</sup> If sexual violence is a factor in the way in which combatants conduct themselves in and plan for war then it should be a phenomenon of interest to scholars who study armed conflict and its causes.

A realist challenge to the argument I present is that states respond to sexual violence used as a weapon because they have some intrinsic interest in doing so. Beyond the obvious possibility that a state will condemn sexual violence when it is used against its citizens by an adversary, state interests may involve justifying a belligerent action or unpopular foreign policy by citing an adversary’s use of sexual violence against its own civilians to portray that adversary as barbaric. State interests may also be murkier: the use of sexual violence by one or more parties to a proxy war in which a powerful state has an interest can be a destabilizing force or complicating influence. Although anecdotal evidence of state responses, such as the US response to politically motivated sexual violence in Iraq under Saddam Hussein’s regime, suggests that condemnation of sexual

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<sup>74</sup> Dara Kay Cohen. Working Paper, June 2012. “Causes of Rape During Civil War: Cross-National Evidence (1980-2009).” Cited with permission.



violence functions as *one* of the many tools in a state's rhetorical or diplomatic toolbox, self-interest alone cannot explain the sustained *international* focus on sexual violence as a weapon of war. The very observation that there is a consistent and increasingly institutionalized response to wartime sexual violence by multiple international actors runs counter to realist logic and expectations.

The second challenge to my argument asserts that the increased presence of women in national governments and international organizations led to the increased international response to wartime sexual violence. I contend that the institutional presence of women is a necessary but insufficient condition in the development of the international response to wartime sexual violence. Although the shifting gender balance of state agencies and international organizations has led to greater recognition of women's issues and consideration of the role of gender in a range of political issues, especially in post-conflict reconstruction and peacebuilding, the particular development of the international response to wartime sexual violence does not suggest a direct causal relationship between the presence of women in institutions and the way in which the international community recognizes wartime sexual violence. The presence of women led the UN Security Council to adopt Security Council Resolution 1325 in October 2000 and pushed states and UN agencies to prioritize National Action Plans for Women, Peace, and Security and to champion a host of programs and initiatives to empower women all over the world. Sexual violence is one of the many aspects of these efforts, but the view of sexual violence as a weapon of war is not an empowering view of women: it focuses on women (and men) as civilian victims of a wartime strategy. The 'weapon of war' frame emerged and became dominant as the result of conditions at very specific critical

junctures, the five cases studied in the dissertation. The process tracing analysis of each of these junctures demonstrates that deliberate shifts in the framing of sexual violence occurred quickly and as a result of the anticipated failure of a particular effort; framing sexual violence as a weapon secured the support of states and organizations at critical moments. These relatively rapid choices took place within the same institutional contexts over periods of weeks or months, without changes in the influence of women in those institutions. The presence of women is highly relevant to the historical context in which the international response to wartime sexual violence developed but it is not a sufficient condition or direct causal factor.

Existing literature on wartime sexual violence falls into four general categories: (1) studies documenting the occurrence of sexual violence in a continuing effort to break the historical silence and end the stigma confronting survivors of sexual atrocities; (2) studies discussing the legal frameworks in place domestically and internationally to address sexual violence; (3) studies discussing the impact of the focus on women and girls as the sole victims of sexual violence; and (4) studies examining variation in the use and occurrence of sexual violence in war. My study integrates the findings from the existing literature on sexual violence but approaches the issue from a new angle: I observe the recent increase in the international response to wartime sexual violence and seek to explain the *political dynamics* driving this change. In so doing, I situate the issue of wartime sexual violence within the context of national and international politics. My aim is to combine insights from IR and the literature on sexual violence to understand why the international community has begun to recognize and devote valuable resources to an issue that was considered an inevitable consequence of warfare throughout human

history. Uncovering the political dynamics at work in this intriguing shift in ideas and behavior will help scholars understand why some issues remain non-issues while others generate international attention and why states and organizations respond to atrocities. I also contend that the IR literature in general, and the security studies and constructivist literatures in particular, would benefit from more extensive exploration of the concept of sexual violence as a weapon. Sexual violence is a cheap and easily mobilized tactic of war that challenges the state's monopoly over the use of force—an issue that is clearly relevant to security scholars. In addition, sexual violence violates the principle that civilians have immunity in warfare; strategic sexual violence, in particular, calls the norm's limits into question.

Finally, the research and writing for this dissertation have taken place alongside the dramatic increase in national and international recognition of and commitments to addressing wartime sexual violence. At the outset of this project the number of academic sources, let alone policy discussions and events, was limited. As the project evolved so too did the academic, civil society, and policy communities focused on wartime sexual violence. I aim to contribute to the civil society and policy discussions as well as the academic literature. By analyzing the development of the international response to wartime sexual violence over the last two decades and by assessing how and why the 'weapon of war' frame has successfully generated international attention my dissertation provides new insights for practical discussions of wartime sexual violence.

#### **1.4 Plan of the Dissertation**

Chapter 1 has presented the research question, the dissertation's central argument and alternative explanations, the research design, and the study's contribution.

Chapter 2 constructs the dissertation's theoretical framework. This chapter outlines the argument in greater depth and introduces the central explanation proposed by the study. The chapter also expands on the alternative explanations before discussing why framing sexual violence as a weapon of war is the most viable explanation for the international response to wartime sexual violence.

Chapter 3 focuses on the early international responses to wartime sexual violence. This chapter discusses activism in response to sexual violence in the former Yugoslavia and the ways in which transnational activism shaped the statutes and early operating decisions of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The inclusion of sexual violence as a war crime, crime against humanity, and act of genocide in international legal statutes formed the basis of the international political response to wartime sexual violence.

Chapter 4 explores variation in United States (US) condemnation of wartime sexual violence in the Democratic Republic of the Congo (DRC) between 1996 and 2012 to highlight how framing sexual violence as a weapon of war, seizing opportunities for political leverage, and utilizing analogies had an effect on US foreign policy toward the DRC. The case study sheds light on the evolving discussion of wartime sexual violence not only within the US but also among the transnational activists who exerted pressure on US policymakers during this time.

Chapter 5 examines two recent responses to wartime sexual violence: the evolution and adoption of Resolution 1820 and the United Kingdom's Preventing Sexual Violence Initiative. Resolution 1820 was an international effort to shed light on systematic sexual violence in war and its unanimous adoption by the UN Security

Council after a previous—failed—attempt at a similar resolution demonstrates the importance of issue framing, applying political leverage, and using analogies. The United Kingdom’s Preventing Sexual Violence Initiative (PSVI), which started in 2012, provides a valuable final case study. PSVI is a national-turned-international effort, initially financed by a single government and strengthened by consensus at the G8 and United Nations Security Council.

Chapter 6 explores the implications of framing sexual violence as a weapon of war and offers conclusions. The chapter studies the impact of the international community’s response—and how it has developed in a unique way over the past two decades—and discusses the implications for action. This chapter highlights the need to explore variation in the international response to different cases and types of wartime sexual violence. The chapter also discusses the types of victims and survivors—including victims and survivors of opportunistic sexual violence—excluded from international political consideration and assistance. This chapter ends with a summary of the dissertation’s findings and offers suggestions for further research.

## Chapter 2 Theory

“Whatever the explanation, every speaker who adds their voice to this debate is helping to end centuries of silence that have made rape an effective ‘secret weapon’.”<sup>75</sup>

Why does the international community respond to wartime sexual violence now, when it was unable or unwilling to do so in the past? The international community responds more forcefully and consistently to wartime sexual violence now because the dominant frame, sexual violence as a weapon of war, simplifies the issue and endows it with a sense of urgency that was not present in the past. Once advocates and the leaders of states and organizations began to discuss sexual violence in terms of a weapon or tactic of war they defeated two conceptual obstacles that had previously prevented recognition and action: the assumption that sexual violence is an inevitable by-product of war; and the view of sexual violence as a women’s issue rather than a security issue. Now that states, non-governmental organizations (NGOs), and international organizations (IOs) understand wartime sexual violence as a weapon of war they are more willing and better equipped to make commitments to prevention and mitigation efforts, name and shame the perpetrators of wartime sexual violence in international forums, and establish national and international institutions that both ensure the continuation of responses to sexual violence and decrease impunity for perpetrators.

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<sup>75</sup> Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict, speaking during the 6722<sup>nd</sup> meeting of the United Nations Security Council on 23 February 2012. Full text available: <http://www.un.org/News/Press/docs//2012/sc10555.doc.htm>

I contend that framing sexual violence as a weapon of war was the crucial determinant of the increased international response to wartime sexual violence in the past two decades. Past attempts to address sexual violence have focused on gender dynamics, particularly sexual violence as an impediment to women's empowerment and agency in conflict and post-conflict zones; this frame did not prove to be as successful in generating international attention and commitment because it failed to create a sense of urgency or counter the perception of sexual violence as an inevitable by-product of war. By discussing sexual violence as a weapon, a strategically deployed attack on innocent civilians, advocates caught the attention of powerful international actors, including the United States (US), United Nations (UN) Security Council, and the United Kingdom (UK). Since powerful states and IOs are the gatekeepers of new international issues and norms, their approval of an issue is paramount to its success.

Frames do not become successful simply because the issue they define is important. If that were the case, the international community would have responded more forcefully to sexual violence when it was discussed as a violation of women's human rights; half of the world population's rights certainly qualify as an important issue. Instead, frames achieve dominance with the help of well-timed political conditions. I argue that the use of historical analogies, transnational mobilization around the issue of women's human rights, and influential advocates' and policymakers' use of political leverage fostered the 'weapon of war' frame's development and centrality. None of these three political conditions is sufficient on its own to explain the increased international response to wartime sexual violence, but each led the international community, especially states and IOs, to embrace the 'weapon of war' frame.

This chapter proceeds by constructing the dissertation's theoretical framework in section 2.1. Section 2.2 explores the plausible alternative explanations. Section 2.3 briefly introduces evidence that supports the central argument on issue framing over the alternative explanations.

## **2.1. Theoretical Framework**

Why does the international community respond to wartime sexual violence now when it was unwilling or unable to do so in the past? I argue that the dominant frame through which the international community views wartime sexual violence has had an impact on the extent to which states, NGOs, and IOs respond to the issue; because the international community views wartime sexual violence as a weapon or tactic of war, it is more frequently able and willing to respond to and prioritize the issue. This section explores the role of issue framing and three facilitative political conditions.

### *Theory: Framing Sexual Violence as a Weapon of War Shaped the International Response*

I contend that framing sexual violence as a weapon of war has been the most crucial factor in the development of the international response to wartime sexual violence. The focus on sexual violence as a weapon of war allowed advocates to situate wartime sexual violence within the realm of international security issues, which in turn led states and IOs to prioritize the issue and enabled them to make sustained material, institutional, and human commitments. The Fourth Geneva Convention framed wartime sexual violence as a threat to the family's honor and this frame failed to generate international discussion of sexual violence, let alone political condemnation and financial



or institutional commitments.<sup>76</sup> Advocates in the mid-1990s framed wartime sexual violence as a women's human rights issue and—to a much lesser extent—as a systematic instrument of genocide or a weapon of war. Although intense transnational advocacy and policymakers' shock at the events in the former Yugoslavia and Rwanda landed sexual violence in the statutes of the ICTY and the ICTR, the human rights frame led the issue to return to its former marginalization as a 'women's issue': wartime sexual violence as a women's rights issue resonated with the historical perception that sexual violence is an inevitable aspect of war. The competing frame, sexual violence as a 'weapon of war', was motivated by the observation that systematic sexual violence was a powerful tool of ethnic cleansing in Bosnia and Rwanda and was categorically different from 'normal' or 'everyday' sexual violence. When advocates, policymakers, and organizational leaders discussed sexual violence as a weapon they created a sense of urgency within their institutions, not because sexual violence as a weapon of war directly threatened these third party organizations and states, but because the phenomenon and the rationale behind it seemed to be unprecedented. The 'weapon of war' frame commands attention. The portrayal of sexual violence as a weapon suggests that its use is deliberate, systematic, and in service of military aims; in this form sexual violence is recognizable to security-minded actors as something other than 'everyday rape' or the spoils of war.

Sexual violence as a weapon of war, broadly defined, or of genocide “refers to sexual violence as having a systematic, pervasive, or officially orchestrated aspect,”<sup>77</sup> and underscores the assertion that, unlike opportunistic sexual violence, these acts are “not

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<sup>76</sup> The 4<sup>th</sup> Geneva Convention uses the notion of sexual violence as a threat to women's honor and calls for special protection for women in war. “Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War.” 12 August 1949. Part III, Section 1, Article 27.

<sup>77</sup> Doris E. Buss. 2009. “Rethinking ‘Rape as a Weapon of War’.” *Feminist Legal Studies* 17: 149.

random acts, but appear to be carried out as deliberate policy.”<sup>78</sup> When sexual violence is a weapon of war, the violation of 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 violence occurs, it is often due to the perception that the victim is a traitor or the act is an opportunistic one.<sup>79</sup> When combatants use sexual violence as a weapon they aim to “intimidate, degrade, humiliate, and torture the enemy.”<sup>80</sup> The rationale behind and effectiveness of this tactic stem from gender norms and the power relationships inextricably tied to them.

The central explanation states the relationship between issue framing and the international response to wartime sexual violence in general terms:

*Discussion of wartime sexual violence among advocates and policymakers in terms of a weapon of war increased the response from states and IOs.*

The words that advocates use to describe an issue matter. When advocates adopted a ‘weapon’ frame instead of a ‘gender’ or ‘human rights’ frame they increased the likelihood that states and IOs would respond to wartime sexual violence because they spoke of the issue in terms that members of political entities could understand and prioritize. The response to wartime sexual violence increased over time as more states and organizations began to conceive of the issue as a security issue, rather than a women’s rights issue. The ‘weapon of war’ frame is applied whenever advocates

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<sup>78</sup> Catherine N. Niarchos. 1995. “Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia.” *Human Rights Quarterly* 17(4): 658.

<sup>79</sup> Miranda Alison. 2007. “Wartime sexual violence: women’s human rights and questions of masculinity.” *Review of International Studies* 33: 79.

<sup>80</sup> Patricia A. Weitsman. 2008. “The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda.” *Human Rights Quarterly* 30: 563.

perceive the use of sexual violence as a weapon; it is important to note that it is the perception of the use of sexual violence as a weapon that matters, since determining military strategy and intentions during active hostilities and with limited data is difficult. Once advocates within or outside of states, NGOs, and IOs discuss—either internally or publicly—a given case of wartime sexual violence in terms of the ‘weapon of war’ frame, or when they discuss the general issue of wartime sexual violence with reference to conflicts in which sexual violence has been used as a weapon in the past, they are more likely to evoke a response from the state or organization targeted by advocacy efforts. Military strategy and the atrocities that occur as a result of military strategy are punishable under International Humanitarian Law and fall within the UN Security Council’s mandate; when sexual violence is viewed as a weapon of war it is an issue that states and IOs can feasibly address.

The ‘weapon of war’ frame emerged and became dominant because of three facilitative political conditions, as a frame’s success stems from advocates’ ability to use the right rhetorical tools and reach a broad and powerful audience. The following sections discuss the relationship between these facilitative conditions, the ‘weapon of war’ frame, and the international response to wartime sexual violence.

### *Salient Conflict Analogies*

The first condition draws from the literature on analogical reasoning to identify the importance of the characteristics of conflicts linked to the ‘weapon of war’ frame. This condition presumes that conflict characteristics are significant determinants of international attention and the ability of a given case of wartime sexual violence to fit within the dominant frame. Conflicts chosen to represent or reported to fit within the

frame must be characterized by similar use and occurrence of sexual violence, or advocates must at least be able to portray the types of sexual violence as similar in nature. The international response to wartime sexual violence at any given time depends upon a conflict's resemblance to a prior conflict in which sexual violence was used and gained international recognition; these conflicts are always the conflicts in which sexual violence is used, or perceived to be used, as a weapon. Policymakers learn from history and reason that if conflicts are similar in some regards, they may be similar in nature and require similar responses.<sup>81</sup>

The first facilitative political condition, Condition 1, that provides support for the 'weapon of war' frame is expressed as follows:

*Condition 1: When characteristics of a given conflict gained international attention, those same characteristics galvanized an international response to successive conflicts and solidified the dominant frame.*

Because the analogies used by advocates and policymakers almost always refer to systematic sexual violence used as a weapon, these analogies have solidified the 'weapon of war' frame. Sexual violence in certain conflicts is considered to have been particularly brutal; whether this perception reflects reality or results from better coverage by NGOs and the media is another matter.

The first conflicts to have triggered a significant international response, Bosnia and Rwanda, serve as the first and most critical analogues. These two conflicts set the horrific standards against which the international community has judged successive conflicts involving sexual violence. Sexual violence during the war and post-conflict instability in the Democratic Republic of the Congo (DRC) was cast in the 'weapon of

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<sup>81</sup> Yuen Foong Khong. 1992. *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1995*. Princeton: Princeton University Press. 7.

war’ frame and compared to the sexual atrocities in Bosnia and Rwanda, which has made the international response to this particular conflict very strong. The use of conflict analogies and the comparison of conflicts in which sexual violence was used as a weapon is not simply an advocate’s rhetorical tool or a politician’s cover for separate aims, but rather a tool for improving understanding of sexual violence when it occurs and convincing others that recognition and action are warranted.

Systematic sexual violence in Bosnia, Rwanda, and the DRC triggered strong international responses and shaped the international dialogue on the issue. One international legal expert aptly described the role of conflict analogies: “We see a response to conflicts that are ‘sexy’. It’s about familiarity and one good article or speech can make a *big* difference.”<sup>82</sup> Sexual violence is not recognized equally across all armed conflicts, and when the international community responds to a conflict it is because the atrocities fit within the ‘weapon of war’ frame and resemble those which occurred in Bosnia, Rwanda, or—more recently—the DRC. Once advocates or policymakers make the comparison between a specific conflict or the general issue of wartime sexual violence and the three most emblematic conflicts—Bosnia, Rwanda, or the DRC—they are able to generate a response from the state or organization they wish to persuade. For example, in a speech delivered during the UK government’s launch of the Preventing Sexual Violence Initiative (PSVI) in May 2012, Foreign Secretary William Hague referenced the massacre at Srebrenica, “the worst atrocity on European soil since the end of the Second World War”, and the “50,000 rapes committed during the war in Bosnia”

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<sup>82</sup> Interview with legal expert. New York. 18 June 2012.

to illustrate how sexual violence has been used as a weapon.<sup>83</sup> Emphasizing the need to continue to address sexual violence in conflict, Secretary Hague then recalled current reports of rape against women, men, and children in Syria.<sup>84</sup> By linking sexual violence in Bosnia to sexual violence in Syria, Secretary Hague advocated for action in response to the latter. The case study chapters will further discuss the role of salient analogies in constraining international actors' ability and willingness to respond to wartime sexual violence.

Sexual violence is not a traditional weapon in the sense that states and IOs speak of weapons; while it is a cheap, effective, and easily deployed weapon, sexual violence cannot easily threaten a third party state in the same way that development of a nuclear or chemical weapon could. Sexual violence is not immediately perceived as a threat to individuals, organizations, and states with no stake in the conflict. To frame sexual violence as a weapon and to generate a response from states and IOs, advocates recall salient conflicts that shocked the international community and in which sexual violence was used systematically and impacted a large number of civilians; doing so appeals to the common morality, invokes the civilian immunity norm, and reminds international actors that they engaged in a similar normative action in the past.

### *Transnational Mobilization around Women's Human Rights*

The second condition, Condition 2, draws on the historical context during which the issue of wartime sexual violence emerged in the mid-1990s and is described below:

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<sup>83</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."  
<<https://www.gov.uk/government/speeches/foreign-secretary-launches-new-government-initiative-to-prevent-sexual-violence-in-conflict>>

<sup>84</sup> Ibid.

*Condition 2: Mobilization around the issue of women's human rights focused international attention on sexual violence in the conflicts in the former Yugoslavia and Rwanda, and consequently to systematic wartime sexual violence in general.*

In order for a new issue or emerging norm to make an impact on the international community it must resonate with existing norms or beliefs; such is the case with sexual violence as a weapon of war.<sup>85</sup> The 1990s was a decade of increased awareness of human rights and, given the recent end of the Cold War, the international political environment was more receptive to normative concerns and campaigns. The atrocities committed in the former Yugoslavia and Rwanda coincided with the Second World Conference on Human Rights in Vienna in 1993 and preceded the UN Conference on Women in Beijing in 1995. Civil society groups and NGOs concerned with the related issues of human rights and women's security gathered to discuss violence against women and the need to build support for women's human rights. Advocacy groups and survivors of the wars in the former Yugoslavia and Rwanda commanded the attention of influential international human rights NGOs as they called on the international community to recognize the systematic sexualized violence against women that had occurred.<sup>86</sup>

Mobilization in the mid-1990s resulted in civil society pressure on the Security Council to include sexual violence in the statutes of the ICTY and ICTR.<sup>87</sup> Advocates

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<sup>85</sup> Richard Price. 1998. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52(3): 613-644.

<sup>86</sup> Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press.

<sup>87</sup> The ICTR set a precedent for prosecuting rape as a war crime for the first time in history 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.

continued the campaign for recognition of sexual violence against women through a letter writing campaign targeting the head of the international tribunals, Judge Richard Goldstone, and urging him to ensure that prosecutors and judges took seriously sexual violence charges as they tried cases.<sup>88</sup> Pressure from transnational advocates combined with policymakers' and tribunal members' own personal convictions that the horrors in the former Yugoslavia and Rwanda were unprecedented and demanded international legal recognition.<sup>89</sup> Advocacy in and of itself would not have been sufficient without the presence of receptive decision-makers in positions of influence, as the next condition will discuss.

Transnational mobilization in the mid-1990s focused largely on sexual violence as a human rights violation and a threat to women's rights and empowerment. After successfully pressuring the Security Council and members of the ICTY and ICTR to recognize and condemn sexual violence in legal decisions, the movement turned to the international political realm. Continuing to emphasize the ways in which wartime violence against women contributes to gender inequality, lack of female empowerment, and instability in the post-conflict recovery period, transnational advocates targeted the Security Council.<sup>90</sup> UN Security Council Resolution 1325 (Resolution 1325), which was adopted on 31 October 2000, was the Council's first major attempt to address the

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World War II tribunals did not prosecute rape because the Allies hesitated to prosecute crimes which they themselves had also committed. See Harrington, 89. Henry contends that the Allies did not prosecute sexual violence because it was considered on par with looting and pillaging (not because of strategic avoidance of the issue). See Henry, 30.

<sup>88</sup> Peggy Kuo. 2002. "Prosecuting Crimes of Sexual Violence in an International Tribunal." *Case Western Reserve Journal of International Law* 34: 305-321.

Richard J. Goldstone. 2002. "Prosecuting Rape as a War Crime." *Case Western Reserve Journal of International Law* 34: 276-285.

<sup>89</sup> Interview with Prudence Bushnell. Fairfax, VA. 25 March 2013.

<sup>90</sup> Interview with United States Institute of Peace staff member. 17 November 2011.



challenges facing women and girls in conflict zones and the first of many resolutions in the Women, Peace, and Security initiative.<sup>91</sup> The resolution's emphasis on women's *agency* and their ability to create change made it a victory for the transnational advocates fighting for women's human rights. Sexual violence is only one aspect of Resolution 1325 and the Women, Peace, and Security initiative and the heavy emphasis on rights and empowerment, instead of security and weapons, led to a temporary stagnation in the Security Council's efforts to respond to wartime sexual violence. Mobilization during the 1990s did, however, bring the issue of wartime sexual violence to the forefront and the secondary frame, adopted most commonly by policymakers and personnel within IOs and international institutions, was the 'weapon of war' frame. Policymakers and advocates within IOs continually noted the scale and systematic nature of sexual violence in the former Yugoslavia and Rwanda and the prominence of these two factors led them to emphasize the use of systematic sexual violence or sexual violence as a weapon. These early efforts laid the foundation for the development of a more consistent international response to wartime sexual violence and the prominence of the 'weapon of war' frame.

### *Opportunities for Political Leverage*

The third and final facilitative condition, Condition 3, which supports the 'weapon of war' frame's dominance, incorporates the role of power politics. Condition 3 captures the relationship between political influence, the 'weapon of war' frame, and the international response to wartime sexual violence:

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<sup>91</sup> United Nations Security Council. 31 October 2000. Security Council Resolution 1325. S/Res/1325.

*Condition 3: When policymakers and activists leveraged positions of influence to advance the 'weapon of war' frame they generated strong and institutionalized responses in states and IOs.*

The source of advocacy matters. Stated simply, capability, influence, and opportunity are significant factors that determine the success or failure of an issue's frame. A political actor's ability and willingness to leverage influence and other resources to advance a given frame has a strong impact on that frame's success. When individuals within or with ties to strong states, the Security Council, and highly reputable human rights organizations began to discuss sexual violence as a weapon of war the frame gained credibility and resonated with the international community. The continued use of the frame by influential individuals helps to ensure that states and IOs continue to honor their commitments to respond to wartime sexual violence.

Action cannot be limited to discussion of sexual violence in certain terms; in addition to rhetoric and discourse advocates must also use their connections and opportunities, including access to positions of power or leadership. Advocates, including policymakers and organization staff, have leveraged political influence and legitimacy, positions in powerful or prestigious international organizations or alliances, and windows of opportunity to build support for international efforts to address wartime sexual violence as a weapon of war. Even celebrities have joined forces with political advocates to raise awareness and pressure decision-makers to respond to sexual violence. Celebrity involvement and mobilization of young adults played a large role in referring the war crimes in Darfur to the International Criminal Court.<sup>92</sup> Ben Affleck advocated on behalf of the victims of the conflict in the DRC during a US House of Representatives hearing in March 2011. Individual policymakers, functioning as norm entrepreneurs within their

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<sup>92</sup> Interview with legal expert. New York. 18 June 2012.

states, impact domestic policy which, in turn, impacts international efforts to address the issue. Hillary Clinton prioritized the response to sexual violence in the DRC and in so doing she also raised national and international awareness of the general issue of wartime sexual violence.<sup>93</sup> British Foreign Secretary William Hague's personal commitment to addressing sexual violence in armed conflict led to a renewed effort by wealthy and politically powerful states when he leveraged the United Kingdom's presidency of the G8 and the UN Security Council to launch his government's initiative on preventing sexual violence.

The cases of Resolution 1820 and the UK's PSVI are particularly illustrative of this facilitative condition and the claim that political influence matters. Resolution 1820's adoption came to depend on US leadership and the months of lobbying efforts and awareness-raising events by UN Security Council spouses and other civil society advocates.<sup>94</sup> After the first attempt to pass a resolution condemning sexual violence failed, a group of ambassadors' spouses framed sexual violence as a weapon of war, cited the systematic use of sexual violence in the DRC and compared it to the atrocities in Bosnia, and pressured their husbands (and husbands' staff members) to reconsider the issue. The effort, led by the US ambassador's wife, had the full support of the US State Department, which had introduced the first version of the resolution in 2007, and the US delegation capitalized on its Security Council presidency in June 2008 to reintroduce the bill after several months of intense lobbying efforts focused on defining sexual violence as a weapon of war. More recently, in 2012, the UK Foreign Secretary announced his

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<sup>93</sup> Interview with with legal expert. New York. 18 June 2012.  
Interviews with US State Department staff in three different bureaus. Washington DC. 5 July 2012; 19 July 2012; 27 July 2012.

<sup>94</sup> Interview with UN Women staff member. New York, NY. 18 June 2012.

intention to use the UK's presidency of the G8 and the Security Council in 2013 to build international political, material, and financial support for his government's nascent initiative on preventing sexual violence.<sup>95</sup> When influential political actors have seized opportunities to exert political leverage within states and international organizations in support of responding to sexual violence as a weapon of war, they have generated strong, institutionalized responses.

### *The Relationship between Framing and the Facilitative Conditions*

The 'weapon of war' frame has emerged as the dominant understanding of wartime sexual violence and the one that drives the international community to respond, both rhetorically and through more concrete commitments, to individual conflicts and the issue of systematic wartime sexual violence in general. Why did the 'weapon of war' frame emerge when it did, at the close of the twentieth century, and not earlier? The simplest explanation is that the historical and political conditions—the facilitative conditions stated above—were just right: the occurrence of horrific conflicts, the presence of a growing women's human rights movement, and state and organization leaders' responsiveness to the 'weapon of war' frame and willingness to promote the issue fortuitously aligned.

The frame's emergence and success is attributable in part to each of the three facilitative conditions elaborated above. None of the facilitative conditions on its own could have caused the observed development of the international response to wartime sexual violence and subsequent financial, institutional, and human commitments in the

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<sup>95</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict." Available: <https://www.gov.uk/government/speeches/foreign-secretary-launches-new-government-initiative-to-prevent-sexual-violence-in-conflict>

past two decades. The use of analogies is ineffective without a frame through which to observe and compare separate conflicts. Mobilization around women's human rights could not have called attention to wartime sexual violence if the systematic and widely publicized sexual violence in the conflicts in the former Yugoslavia and Rwanda had not shocked the international community. Separate advocates' and groups' seizure of opportunities for political leverage can only benefit an issue's development if those separate political efforts are united by a central concept—in this case the 'weapon of war' frame. The frame itself would not have achieved centrality without the presence of the political conditions that promoted its emergence and increased influence.

Framing sexual violence as a weapon of war was the most critical step in the developing international response to wartime sexual violence. The international response to any new or emerging issue depends on the promotion of that issue within an appealing and easily understood frame that resonates with the international community's previously held values, beliefs, and norms. By classifying sexual violence as a weapon of war, advocates helped the international community view sexual violence as something that can be prohibited, legally prosecuted, politically condemned, and eventually—with sufficient will and enforcement—rendered useless.

## **2.2. Alternative Explanations: State Interests and the Presence of Women in Institutions**

In this section I explore two plausible alternative explanations. The first alternative explanation comes from the International Relations (IR) literature on state interests and suggests that state and IO condemnation of wartime sexual violence may simply provide cover for existing and unrelated interests. The second alternative

explanation suggests that the increased presence of women in NGOs, governments, and IOs led to greater recognition of wartime sexual violence as policy agendas and priorities became friendlier toward women's issues.

### *Interest-based Condemnation*

The first alternative explanation for the international response to wartime sexual violence focuses on states'—and, by extension, IOs'—interests. This explanation stems from the literature on embedded feminism,<sup>96</sup> the use of justificatory rhetoric to build support for war,<sup>97</sup> and self-interested shaming and embarrassment of adversaries. The alternative explanation relies on an understanding of the state as the central actor in the international system and expects that state interests are consistent over time and trump normative interests. When states and organizations respond to wartime sexual violence they do so on the basis of rational calculations; because of the prominence of state interests in this explanation, I expect to see little evidence of state and organizational efforts to institutionalize a response to sexual violence or to respond to sexual violence when doing so would incur costs.

States will condemn atrocities when doing so provides political cover or generates support for an existing policy or goal. According to this explanation, state interests matter and the scale, nature, or egregiousness of the atrocity only provide the window-dressing for the state's existing belligerent aims. It follows from this explanation that a state will condemn the use of sexual violence by its adversaries, particularly in the buildup to war or to highlight a civilizational divide and make an adversary appear barbaric. A state will

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<sup>96</sup> Krista Hunt and Kim Rygiel, Eds. (2006) *(En)gendering the war on terror: war stories and camouflaged politics*. Burlington, VT: Ashgate.

<sup>97</sup> Eran N. Ben-Porath. 2007. "Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts." *Presidential Studies Quarterly* 37(2): 181-202.

likely condemn sexual violence (in war or more broadly considered) within an adversary's borders in order to justify intervention or other domestically or internationally unpopular belligerent maneuvers. Conversely, a state will avoid references to sexual violence, especially graphic anecdotes that induce sympathy for victims and anger toward the perpetrators, when seeking to avoid military engagement.<sup>98</sup> Sexual violence is, in and of itself, a non-issue and serves as a pawn when convenient to build support for the state's impending military engagement by making intervention appear benevolent.<sup>99</sup> If strategic interest is the only mechanism at work, a state will not work to institutionalize the means to respond to wartime sexual violence and will only respond when doing so meets strategic or military ends. When sexual violence is employed as a rhetorical tool to support state interests and policies, discussion of sexual atrocities is limited to the points at which it is advantageous and there is little chance of long-term recognition of wartime sexual violence as an issue. State interests remain stable and interest in issues like wartime sexual violence will ebb and flow depending on their synchronicity with strategic aims.

The first alternative explanation is based on the assumption that condemnation of sexual violence serves as justificatory rhetoric. When a state or multilateral alliance wishes to justify an armed intervention or other belligerent action, it will cite the targeted adversary's use of sexual violence against civilians. Justificatory rhetoric is simply *rhetoric*: no substantive action will be taken to address the use of sexual violence. The following statement expresses the first alternative argument, Alternative Explanation 1, in general terms:

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<sup>98</sup> Ben-Porath 2007, 192-194.

<sup>99</sup> Hunt and Rygiel 2006, 8-10.

*Alternative Explanation 1: States and multilateral organizations employ rhetoric of sexual violence as justification for wars and sanctions waged for unrelated or self-interested purposes.*

The scale and purpose of sexual violence are immaterial here. When sexual violence is used as justificatory rhetoric the aim is to portray the adversary as barbaric; as such, the use or occurrence of sexual violence may be inflated for rhetorical purposes. The justificatory rhetoric argument suggests that states will not condemn sexual violence committed by allies or even adversaries when belligerence or intervention is unlikely. Instead, states will limit condemnation to periods in which belligerent action or intervention requires justification.

The alternative argument has two related observable implications: cost avoidance and lack of institutionalization. States and international organizations are unwilling to incur costs when responding to wartime sexual violence, especially when those costs directly challenge state interests. Again, this presumes that any response to wartime sexual violence is rhetorical or at least extremely low-cost. Observable Implication 1a states the relationship between the cost of a response and states' willingness to respond:

*Observable Implication 1a: States and organizations avoid recognizing wartime sexual violence when doing so will incur costs.*

Costs may include reputational, material, or human costs. States and organizations are unlikely to condemn an ally's (or key member's, in the organizational case) use of sexual violence and any responses that do occur will be limited to rhetorical condemnation. When states or international organizations wish to avoid conflict or crisis, and condemnation of sexual violence would trigger such a situation, condemnation will not occur.



The second observable implication, constraint avoidance, suggests that states and organizations are similarly unwilling to tie their hands with institutionalized policies and rules that require responses to future cases of wartime sexual violence. Observable Implication 1b focuses on the relationship between institutional constraints and the international response over time:

*Observable Implication 1b: States and organizations will not institutionalize the response to wartime sexual violence and the issue will not gain support over time.*

The first alternative explanation suggests that states and organizations will respond to wartime sexual violence when doing so falls within their interests. Since state interests are generally fixed (according to realist logic), and since international organizations may be constrained by member states' interests, the response to wartime sexual violence should ebb and flow based on interstate politics. There should be little evidence of increased recognition over time and states and organizations will not generate policies and procedures that would force inconvenient or costly responses. Any response to wartime sexual violence, according to this explanation, will be politically motivated, temporary, and subject to marginalization by more pressing concerns. The case studies demonstrate that this is not true in the case of wartime sexual violence.

The interest-based explanation for state and IO condemnation of wartime sexual violence cannot explain the large-scale change in national and international recognition that has taken place since the mid-1990s. The US response to sexual violence in the DRC included *increased* financial and institutional commitments over time, as well as continued rhetorical condemnation of sexual violence taking place in the region. More recently, the UK's PSVI is a massive undertaking involving financial, institutional, and human commitments funded by the British government combined with a concentrated

effort to institutionalize and internationalize the program through financial and political support from the Group of 8 (G8) and the Security Council. PSVI is a standing program with readily deployable experts, rather than a political effort involving a single ally or adversary and it is intended to persist as a permanent institution. While strategic interests may explain individual states' behavior in response to specific cases, they cannot adequately explain the sustained and increasingly strong *international* responses to wartime sexual violence over time.

### *Women's Institutional Presence*

The second alternative explanation predicts a relationship between the gender composition of national governments, NGOs, and IOs and the creation of policies and efforts that address women's issues. The relationship between the increased presence of women in governments and organizations and the response to wartime sexual violence is expressed below:

*Alternative Explanation 2: The increased presence of women in national governments and international organizations led to increased recognition of sexual violence.*

This explanation posits a shifting balance of power within states and organizations as more women gained positions of influence. Existing research has indicated that women's presence in international tribunals and courts leads to a greater likelihood of including sexual violence in international legal documents and decisions: when women are present as prosecutors, investigators, and judges, sexual crimes are more likely to be taken seriously, included in legal documents, and prosecuted.<sup>100</sup> This explanation, then,

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<sup>100</sup> Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press. 14-15.  
Kuo 2002, 308-311.

partially explains condemnation of wartime sexual violence in the dissertation's two earliest cases, the early days of the ICTY and ICTR, as Chapter 3 discusses in detail.

Does the presence of women in governments and organizations have the same impact on the political response to wartime sexual violence? Is sexual violence more likely to become a policy priority when women hold positions of influence? The agendas of states and international organizations have come to include women's issues and efforts to address sexual violence in recent years, which is correlated with the increased presence of women in these national and international bodies. For example, the evolution and increasing influence of the US State Department's office handling international women's issues—from the creation of the Office of the Senior Coordinator for International Women's Issues in 1993, to the Office of International Women's Issues in 2001, to the Office of Global Women's Issues and the designated Ambassador-at-Large for Global Women's Issues in 2009—accompanied an overall increase in the number of influential women working in the US government from the 1990s onward. As the office rose through the ranks of the State Department the priority accorded to women's issues also increased.

The impact of the increased number of women in states and organizations on policies and commitments addressing wartime sexual violence is less clear than the impact on policies concerning women's issues in general. Causation becomes especially murky when considering *how* the international community discusses and responds to wartime sexual violence, with tremendous emphasis on sexual violence as a weapon. In the particular case of Resolution 1820, for example, the presence of women in states and organizations served as a necessary but insufficient condition: women's issues, broadly

considered, and sexual violence in particular became more prominent on the agendas of states and the UN around the same time that women occupied more positions of influence, but the process and political dynamics leading up to Resolution 1820 demonstrate that the impact of framing sexual violence as a weapon was the critical factor determining the resolution's adoption. Women were just as present in the UN system, state delegations, and NGOs in the year leading up to Resolution 1820, when the resolution's initial draft failed and when the second attempt was considered doomed at the outset; only the resolution's frame changed. It was the shift to discussing sexual violence as a weapon that proved to be the key to success in this case.

The institutional effect of women's presence in governments and organizations certainly plays a role in the international response to women's rights and security issues. As previous studies have shown, the presence of women in governments and organizations appears to make those bodies and their agendas more conscious of gender dynamics and the need to address issues such as violence against women. Where this explanation falls short, however, is in demonstrating direct causation. In the cases in which the response to wartime sexual violence increased rather quickly, including the US response to sexual violence in the DRC and the adoption of Resolution 1820, the improved outcome does not appear to be tied to the presence of women in positions of influence since this factor would not have changed dramatically during these short periods. The critical junctures addressed in the case studies combined with the general trajectory of the international response to wartime sexual violence, especially the shift away from focusing on sexual violence as a women's human rights and empowerment

issue, point to variation in the framing of sexual violence as the more direct and convincing explanation.

### 2.3. Why Framing Matters

The successful framing of sexual violence as a weapon of war has led the international community to respond to wartime sexual violence more consistently and with greater commitment. The limited historical attempts to address the occurrence of sexual violence in war sought to preserve masculine honor and feminine purity. These efforts did not respond to sexual violence on its own grounds; instead, they condemned the degradation of masculine, familial, and community honor caused by sexual violence. “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.*”<sup>101</sup> 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.”<sup>102</sup> Specific protection from sexual violence, beyond the general prohibition on violence against civilians, did not emerge in international legal discourse until the Fourth Geneva Convention in 1949. The Fourth

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<sup>101</sup> Niarchos 1995, 660, citing Susan Brownmiller. 1993. *Against Our Will: Men, Women and Rape*. 2<sup>nd</sup> Ed. NY: Ballantine Books. Emphasis in original.

<sup>102</sup> “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>>

Geneva Convention states: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>103</sup> Additional Protocol I on international conflicts and Additional Protocol II on civil conflicts in 1977 reiterated this legal prohibition.<sup>104</sup> Again, legal condemnation of sexual violence focused on honor, portraying sexual violence as more of an attack against values than against people. Despite international legal attempts to protect women’s honor, the use of sexual violence in armed conflict did not trigger strong international condemnation until the close the twentieth century.

The international community truly began to recognize and condemn sexual violence in the wake of the bloody civil wars and transnational mobilization around women’s human rights in the 1990s. The systematic use of rape, forced pregnancy, and other forms of sexual torture and humiliation in the genocidal armed conflicts in the former Yugoslavia (especially in Bosnia) and Rwanda were widely publicized by international media sources and human rights groups. Up to 64,000 women and girls were raped in Bosnia as part of an ethnic cleansing campaign.<sup>105</sup> In Rwanda, an estimated 250,000 to 500,000 women and girls were raped and tortured,<sup>106</sup> systematically targeted in an effort to humiliate victims before or instead of killing them.<sup>107</sup> An estimated ninety percent of female survivors of the Rwandan genocide were victims of sexual violence

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<sup>103</sup> Geneva Convention (IV), Part III, Section 1, Article 37.

<sup>104</sup> “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).

<sup>105</sup> Elizabeth Heineman. 2008. “The History of Sexual Violence in Conflict Zones: Conference Report.” *Radical History Review* 101: 5.

<sup>106</sup> Alison 2007, 87.

<sup>107</sup> Weitsman 2008, 573.

before, during, and after the Hutu-led offensive.<sup>108</sup> The systematic nature of sexual violence in both conflicts “caught the world’s attention”<sup>109</sup> and prompted outrage and the perception of the brutality as unprecedented.<sup>110</sup> Mobilization around women’s human rights at this time prompted advocates to call for recognition of the use of systematic sexual violence in both conflicts.

Two frames emerged at this time: one, predominantly advanced by transnational civil society advocates, focused on sexual violence as a violation of women’s human rights and an obstacle to empowerment and full participation in society; the other, emerging chiefly from policymakers within states and the UN, focused on systematic sexual violence as a weapon of war. Transnational advocacy resulted in the inclusion of sexual violence in the statutes of the ICTY and ICTR, as well as Security Council Resolution 1325; the tribunals, given their mandate, focused on sexual violence as a war crime and a tactic of war, while the Security Council resolution addressed wartime sexual violence as one component of a much broader spectrum of issues concerning female empowerment and participation in political decision-making. After Resolution 1325’s adoption in 2000, more than seven years passed before the Security Council took up debate on wartime sexual violence once again. The women’s rights and empowerment frame for wartime sexual violence did not have a direct long-term impact on the international response.

In the mid-2000s, the international community began to recognize the use of mass rape in the war and post-conflict period in the DRC. Advocates compared violence in the DRC to the wars in Bosnia and Rwanda, noting that the large scale and very deliberate

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<sup>108</sup> Weitsman 2008, 573.

<sup>109</sup> Niarchos 1995, 650.

<sup>110</sup> Alison 2007, 82.

nature of sexual violence in the DRC rivaled even the shocking use of sexual violence in the two earlier conflicts. Discussions of wartime sexual violence resumed at the highest, most influential levels of the international community in 2007. These discussions and the resulting commitments focused explicitly on sexual violence as a weapon of war.

The ‘weapon of war’ frame has been the most critical factor determining the international response to wartime sexual violence and, as each of the case study chapters demonstrates, there is a clear causal link between the emergence and use of the frame and international responses and commitments. Knowledge of wartime sexual violence is not sufficient to trigger national or international condemnation and action, and not all forms of sexual violence generate international responses. For example, the US State Department Human Rights Report first began to include references to sexual violence in the DRC in 1993. The US did not rhetorically condemn or make any financial or institutional commitments to mitigate sexual violence in the DRC until 2003, at which point NGOs and policymakers within and outside of the US had begun to discuss sexual violence as a weapon,<sup>111</sup> observing that “rape was used as a weapon of war, a tactic of terror, and an act of revenge against scores of women and girls”.<sup>112</sup>

A group of UN staff members dedicated to preventing sexual violence remarked that their work has become significantly easier now that the ‘weapon of war’ frame has

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<sup>111</sup> Human Rights Watch. 2002. *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*. New York: Human Rights Watch.

United States House of Representatives. 2004. “Appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005.” 2004 H.R. 4818. United States Department of State. 29 October 2003. “Implementation of Security Council Resolution 1325 on Women, Peace and Security.” Remarks to UNSC by Ambassador John D. Negroponte.

<sup>112</sup> United States House of Representatives. 2003. “Conflict Diamonds Resolution.” 2003 H. Con. Res. 239.



helped security-minded agencies understand exactly how sexual violence relates to their goals and mandates:

It has been really powerful as a means of convincing certain groups who didn't previously think sexual violence was a concern to them, given the work they do. [...] One interesting thing is how we have managed to get this agenda on the security radar. Now the security folks try to get on *our* agenda. There is more interest now from the protection of civilians people. The initial framing of sexual violence as a weapon of war helped with that.<sup>113</sup>

While the 'weapon of war' frame has negative implications for cases of sexual violence that do not fit cleanly within the frame, as in the cases of Libya and Syria, it has enabled states and organizations to respond to situations in which sexual violence has clearly been used as a weapon of war. More generally, the 'weapon of war' frame has elevated the issue of wartime sexual violence to priority status and has increased the amount of attention from the international community. By analyzing the political mechanisms at work in the international response to wartime sexual violence, I offer a view of the means through which states, organizations, transnational civil society, and individuals have come to recognize a traditionally overlooked security and human rights issue. Although the international response to wartime sexual violence is a normative concern it is not evident that the need to act in response to cases of wartime sexual violence has been internalized by states and organizations as a norm, which makes the political mechanisms all the more important.

The reliance on the 'weapon of war' frame, while it has motivated international political action, has narrowed the international community's recognition of sexual violence. The international responses to sexual violence occurring in Guinea, Colombia, Haiti, Mexico, Libya, and Syria, have been weak—both in terms of rhetoric and material

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<sup>113</sup> Group interview with UN staff members. Telephone. 31 May 2013.

commitment—in comparison to the responses to the former Yugoslavia, Rwanda, the DRC and other cases in which sexual violence is used as a weapon, including Darfur.<sup>114</sup> When policymakers are uncertain of the motives behind sexual violence and whether or not it is truly used as a weapon of war, the response is delayed or limited. Sexual violence during the Libyan civil war in 2011 perplexed decision-makers within states and IOs as well as NGOs and civil society groups, none of whom were certain of how to classify sexual violence in this particular case. A member of the US government who specializes in gender issues conveyed her department's hesitation to respond to sexual violence in Libya in the following way:

At the time there were conflicting reports and we were not getting clear data. We saw evidence of some cases of rape in Libya but we did not see evidence of systematic rape. I was very concerned that the issue would spiral out of control and lead to greater insecurity for women if we focused on systematic rape without proof, so when I advised on this topic I focused on standard efforts to protect women in the post-conflict period.<sup>115</sup>

The result of conflicting perceptions of sexual violence in Libya was a lack of concerted action from the international community, including NGOs. One international legal expert remarked with frustration: “No one is doing anything about sexual violence in Libya or Syria. Even human rights leaders say it’s not happening or we can’t talk about it.”<sup>116</sup> The weapon of war frame has had a clear impact on not only the trajectory of the international response to wartime sexual violence over the past two decades, but also on the day-to-day decision-making in response to sexual violence in particular conflicts. Not all conflicts encounter sufficient windows of political opportunity or resemble salient conflicts closely enough to galvanize the international community’s response.

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<sup>114</sup> Personal interview with legal expert. New York. 18 June 2012.

<sup>115</sup> Interview with US government worker. Washington, DC. 5 September 2012.

<sup>116</sup> Interview with legal expert. New York, NY. 18 June 2012.

Unlike the chemical weapons taboo and landmine ban,<sup>117</sup> recognition of wartime sexual violence has yet to impact the way current wars are fought; for now, efforts are limited to international political condemnation of the use and occurrence of sexual violence, international legal condemnation and prosecution of these acts whenever possible, and international financial, material, institutional, and human commitments to prevent wartime sexual violence and render assistance to survivors. International responses to wartime sexual violence do not follow the expected self-interested state behaviors of shaming adversaries for their use of sexual violence; instead, it appears as though states and organizations have responded to the ‘weapon of war’ frame and have begun to institutionalize efforts to address and prevent wartime sexual violence, even when such atrocities occur within allied or valued member states.

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<sup>117</sup> Price 1995; Price 1998.

### Chapter 3

## Transnational Advocacy and the ICTY and ICTR

“Yugoslavia. That was the real opener.”<sup>118</sup>

“It is rape under orders: not out of control, under control. It is rape unto death, rape as massacre, rape to kill or make the victims wish they were dead. It is rape as an instrument of forced exile, to make you leave your home and never come back. It is rape to shatter a people, to drive a wedge through a community. It is the rape of misogyny liberated by xenophobia and unleashed by official command.”<sup>119</sup>

This chapter focuses on the political decisions and dynamics that led to the inclusion of sexual violence in the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and, perhaps more importantly, the early operating decisions of the tribunals. The precedents set by the ICTY and ICTR laid the foundation for future legal decisions pertaining to wartime sexual violence, including the International Criminal Court’s more comprehensive definition of sexual violence, and the international political discourse and action that the dissertation’s other chapters discuss. That sexual violence was included in the ICTY and ICTR is a testament to the massive mobilization of transnational women’s rights advocates and the presence of sympathetic individuals within strong states, the UN Security Council, and the tribunals themselves. As such, this chapter focuses on the early frames for sexual violence (as a women’s human rights violation and as a systematic wartime atrocity) and the influence of transnational mobilization in generating the first consequential responses to wartime sexual violence.

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<sup>118</sup> Interview with Roberta Cohen. February 21, 2012. Fairfax, VA.

<sup>119</sup> Catherine MacKinnon quoted in Kelly Dawn Askin. 1997. *War Crimes Against Women: Prosecution in International War Crimes Tribunals*. Boston: Martinus Nijhoff. 270.

The extant literature on the prosecution of sexual crimes by the ICTY and ICTR has explored the nuances of the tribunals' work, the resulting landmark cases, and the legal precedents set by those cases.<sup>120</sup> In a departure from this existing line of inquiry this chapter, like the broader dissertation, focuses on the political developments that enabled the tribunals to respond to sexual violence in the first place. Although the chapter makes references to key cases and legal precedents, political shifts and dynamics remain the focus of the two case studies.

The chapter proceeds as follows: section 3.1 discusses the dissertation's second facilitative condition, transnational mobilization, and the alternative arguments in the context of the two case studies at hand; section 3.2 outlines the historical conditions immediately preceding and surrounding the establishment of the ICTY and ICTR; section 3.3 traces the impact of transnational activism and the institutional presence of women on the formation and early operating decisions of the tribunals; and section 3.4 offers concluding thoughts.

### **3.1. Transnational Mobilization: The Foundation for Future International Responses**

The recognition of sexual violence as an international crime by the ICTY and ICTR was driven by transnational mobilization and the perception that sexual violence during the conflicts in the former Yugoslavia and Rwanda constituted something other than an inevitable by-product of war. The realization that these atrocities were *systematic*

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<sup>120</sup> Alona Hagay-Frey. 2011. *Sex and Gender Crimes in the New International Law: Past, Present, Future*. Boston: Martinus Nijhoff; Chiseche Salome Mibenge. 2013. *Sex and International Tribunals: The Erasure of Gender from the War Narrative*. Philadelphia: University of Pennsylvania Press; Alice Edwards. 2011. *Violence Against Women under International Human Rights Law*. New York: Cambridge University Press; Askin. 1997; Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press; Jocelyn Campanaro. 2001. "Women, War, and International Law." *The Georgetown Law Journal* 89: 2561.

violations of women's bodily integrity elicited concerted action from the international community. As the dissertation's other chapters demonstrate, however, the 'weapon of war' frame was not the dominant frame for wartime sexual violence during the mid-1990s. At this point in time advocates and policymakers were grappling with the events in the former Yugoslavia and Rwanda; along with the struggle to understand what had occurred came the struggle to define—and frame—the atrocities that were perceived as unprecedented. Advocates who championed responses to sexual violence in the former Yugoslavia and Rwanda employed a women's human rights-based frame and—to a lesser extent—a systematic atrocity frame that resembles the 'weapon of war' frame.

The transnational mobilization in response to the sexual atrocities in the former Yugoslavia and Rwanda ultimately formed the basis of subsequent international responses to wartime sexual violence. The conflicts in the former Yugoslavia—but especially in Bosnia—and Rwanda have proven to be the most frequently cited conflict analogues when advocates and policymakers have attempted to classify a case of wartime sexual violence through analogical reasoning. The two conflicts also represent the baseline for the 'weapon of war' frame used by advocates in recent years. Without the recognition of mass sexual violence in these two genocidal conflicts, wartime sexual violence would not have made it onto the international agenda when it did. The dissertation's second facilitative condition, H1b, captures the historical significance of the transnational mobilization in response to the atrocities in the former Yugoslavia and Rwanda. Mobilization around the issue of women's human rights during the early- and mid-1990s focused international attention on sexual violence in the conflicts in the former Yugoslavia (especially Bosnia) and Rwanda, and consequently to systematic

wartime sexual violence in general. The facilitative political condition described here suggests that without the transnational mobilization to promote women's rights and condemn violence against women in the 1990s, the international community would not have been primed to respond meaningfully to sexual violence in the conflicts in the former Yugoslavia and Rwanda. Advocates successfully capitalized on the momentum of the women's human rights movement, which was coming to a head in the early- and mid-1990s, to pressure officials at the United Nations and the newly formed *ad hoc* tribunals to take wartime sexual violence seriously.

Transnational advocates working to address women's human rights, violence against women, and wartime sexual violence used different frames for these issues. Wartime sexual violence in the mid-1990s was generally discussed as a women's human rights violation or a systematic atrocity. Given the transnational women's human rights movement's core focus and goals the emphasis on rights, agency, and empowerment when pressing policymakers and officials for a response to the sexual atrocities in the former Yugoslavia and Rwanda is unsurprising. The 'women's human rights' frame for wartime sexual violence persisted through the adoption of UN Security Council Resolution 1325 in October 2000. According to this initial frame, wartime sexual violence was something that happened to *women* in war; it was a gender-based attack that violated women's bodily integrity and therefore violated their most fundamental human rights. The gravity of sexual violence in the former Yugoslavia and Rwanda was sufficient to generate strong international responses to the atrocities; both conflicts shocked the international community and the inclusion of sexual violence in the statutes

of the *ad hoc* tribunals gave advocates an opportunity to continue to pressure officials at the UN and within the tribunals to respond to sexual violence with more than rhetoric.

The ‘women’s human rights’ frame, however, eventually became insufficient to generate international responses to sexual violence in conflicts that did not carry the same shock value or receive the same level of media and political attention as the genocides in Bosnia and Rwanda. Although the ICTY and ICTR issued landmark convictions condemning Rwandan and Yugoslavian war criminals well into the 21<sup>st</sup> century, the international *political* response (the phenomenon of interest here) became significantly muted until a new dominant frame emerged. In the mid-2000s an increased focus on sexual violence as a security issue among strong states and UN Security Council members caused the ‘weapon of war’ frame for wartime sexual violence to take hold and trigger stronger and more consistent responses. The early cases, the formation of the ICTY and ICTR, studied in this chapter offer important insights on the impact of transnational mobilization and the historical context from which the initial international response to wartime sexual violence originated. Later chapters will focus on the ‘weapon of war’ frame and the first and third facilitative conditions.

#### *Alternative arguments in context*

The first alternative argument, that states respond to wartime sexual violence when it is strategically convenient or beneficial to do so, does not find support from the early cases. The international response to wartime sexual violence in the conflicts in the former Yugoslavia and Rwanda, encapsulated in the creation of the ICTY and ICTR and the mandate to prosecute rape, was driven by transnational mobilization and pressure, combined with international shock and horror in response to the two genocidal conflicts.



The creation of the UN tribunals was a political maneuver designed to hold war criminals accountable for their actions under international law and did not serve the interests of any one strong state or the UN itself.

Of all the cases studied in the dissertation, the early cases provide the most support for the second alternative argument. The presence of women in organizations, states, and particularly the *ad hoc* tribunals had a tremendous amount of influence on the international response to sexual violence in Bosnia and Rwanda. Without the presence of female prosecutors and judges at the ICTY and ICTR, the tribunals would not have prioritized wartime sexual violence amidst the slew of charges of genocide and mass murder, especially given the common perception at the outset of the tribunals' work that sexual violence constituted a lesser crime in comparison to mass murder and genocide.<sup>121</sup> Transnational advocates pressured the UN Security Council to include rape and gender-based crimes in the tribunals' statutes and, later, urged the Chief Prosecutor to give due consideration to rape charges; these advocacy efforts led the Chief Prosecutor to appoint women to positions of leadership within the Office of the Prosecutor to ensure that rape and gender-based violence were taken seriously and to promote a gender sensitive atmosphere within the tribunals. Women's influence and leadership in the 1990s provides a basis for my contention that the presence of women in organizations and states is a necessary, albeit insufficient, condition for the development of the international response to wartime sexual violence. As later chapters will demonstrate, however, the emergence and dominance of the 'weapon of war' frame proves to be both necessary and sufficient to generate international and national responses to cases of wartime sexual violence.

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<sup>121</sup> Richard J. Goldstone. 2002. "Prosecuting Rape as a War Crime." *Case Western Reserve Journal of International Law* 34: 280

### **3.2. Setting the Stage: Women's Human Rights, Violence against Women, and Wartime Rape**

After World War II, advocates who pushed for condemnation of wartime sexual violence found only a limited forum within the post-war tribunals and the United Nations bureaucracy. Despite documentation of rape, enforced prostitution, and other forms of sexual violence the Nuremberg and Tokyo tribunals did not formally prosecute sexual violence, with the exception of the atrocities committed during the Japanese invasion of Nanjing.<sup>122</sup> In the post-World War II era non-governmental organizations had consultative status and worked on matters such as women's status and domestic rights, women's participation in the UN system, and women and development but did not include violence against women in their campaigns for improvements in women's status.<sup>123</sup> While the UN Decade for Women (from 1975 to 1985) resulted in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, the document did not mention violence against women or sexual violence as a violation of women's rights in any of its statutes; instead CEDAW focused on the status of women, broadly conceived.<sup>124</sup> Cold War politics stifled discussion of human rights in general and women's groups encountered difficulties in promoting the

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<sup>122</sup> Carol Harrington. 2010. *Politicization of Sexual Violence: From Abolitionism to Peacekeeping*. Burlington, VT: Ashgate. 72-96; Nicola Henry. 2011. *War and Rape: Law, memory and justice*. New York: Routledge. 28-60; Askin 129-202; Mark Ellis. 2007. "Breaking the Silence: Rape as an International Crime." *Case Western Reserve Journal of International Law* 38: 228;

Rhonda Copelon. "Toward Accountability for Violence Against Women in War: Progress and Challenges" in Heineman, Elizabeth D., ed. 2011. *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*. Philadelphia: University of Pennsylvania Press. 235-237.

<sup>123</sup> Harrington 2010, 90.

<sup>124</sup> Harrington 2010, 95. Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press. 166.

notion of women's human rights until the late 1980s and early 1990s. The notions of women's rights and human rights remained wholly separate until the early 1990s, at which point activists came together through a series of UN World Conferences and began to address violence against women within the context of human rights.<sup>125</sup>

The Second World Conference on Human Rights, held in Vienna in 1993, provided a meeting place for women's rights groups to voice their concerns about violence against women and women's human rights through the Women's NGO Caucus.<sup>126</sup> Prior to the Conference, in 1991, allegations of systematic sexual slavery orchestrated by the Japanese military during World War II—the 'comfort women' system—resurfaced and led to coordinated demands for recognition and compensation for survivors.<sup>127</sup> Anti-sexual violence advocacy began to gain traction in the mid-1990s, as the world had a front-row seat to images of sexual violence against women as a method of ethnic cleansing during the genocidal conflicts in the former Yugoslavian states. Media and NGO reports publicized widespread sexual violence against women in Bosnia and Croatia and survivors of the atrocities mounted a formidable presence at the Vienna conference to press for recognition and condemnation.<sup>128</sup>

The combined efforts of women's rights activists and survivors of sexual atrocities at the Vienna Conference resulted in the condemnation of war rape in the Vienna Declaration and Programme of Action (Vienna Declaration), which called for equality for women, condemned all forms of violence against them, and specifically

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<sup>125</sup> Harrington 2010, 95-96; Copelon in Heineman 2011, 239; Askin 1997, 257.

<sup>126</sup> Copelon in Heineman 2011, 240.

<sup>127</sup> The campaign to secure official compensation, apologies, and prosecution for the offenses of the 'comfort women' system continued into the twenty-first century. In December 2000 survivors presented evidence of rape and enforced prostitution during the Women's International War Crimes Tribunal. See Ellis 2007, 228; Copelon in Heineman 2011, 240-241.

<sup>128</sup> Copelon in Heineman 2011, 241.

demanded the cessation and punishment of systematic war rape in all conflict zones.<sup>129</sup> Although the Vienna Declaration called for an international response to systematic sexual violence in armed conflict it did not provide a specific mechanism for doing so.<sup>130</sup> Condemnation of wartime sexual violence at the Vienna Conference and in the Vienna Declaration adopted the ‘women’s human rights’ frame, emphasizing that all forms of gender-based violence constitute violations of women’s human rights and limit women’s ability to participate fully in “political, civil, economic, social and cultural life, at the national, regional and international levels”.<sup>131</sup> Sexual violence as a violation of women’s human rights continued to resonate in subsequent UN World Conferences and served as a viable frame for wartime sexual violence through the 1990s. The UN Conference on Women in Beijing in 1995 and the resulting Beijing Platform for Action condemned all forms of violence against women, including systematic rape in war.<sup>132</sup> That same year, the United Nations Human Rights Council institutionalized the response to gender-based violence by creating a Special Rapporteur on violence against women.<sup>133</sup>

The atrocities committed during the wars in the former Yugoslavia and Rwanda resonated with individuals working in state agencies and international organizations, as well as women’s rights groups, supporting advocates’ efforts to frame wartime rape as a traumatic violation of women’s human rights.<sup>134</sup> The timing of the UN World Conferences, strengthening transnational women’s rights network, and sexual atrocities in the former Yugoslavia and Rwanda allowed the international campaign to address

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<sup>129</sup> Copelon in Heineman 2011, 241.

<sup>130</sup> Copelon in Heineman 2011, 241.

<sup>131</sup> Vienna Declaration and Programme of Action. 25 June 1993. Para. 18.

<sup>132</sup> Keck and Sikkink 1998, 166.

<sup>133</sup> Miranda Alison. 2007. “Wartime sexual violence: women’s human rights and questions of masculinity.” *Review of International Studies* 33: 83.

<sup>134</sup> Harrington 2010, 121.

violence against women and promote women's human rights to gain unprecedented momentum.<sup>135</sup> In response to the systematic use of sexual violence in the former Yugoslavia and Rwanda civil society advocates joined forces and lobbied the UN Security Council for the inclusion of sexual violence in the statutes of the ICTY and ICTR.<sup>136</sup> The Security Council included rape as a crime against humanity (but not a war crime or crime of genocide) in the statute of the ICTY in May 1993. The statute of the ICTR, adopted in November 1994, included rape as a crime against humanity and added the possible charges of rape, enforced prostitution, and any form of indecent assault as war crimes.<sup>137</sup> The ICTY and ICTR do not represent critical junctures in the development of the international response to wartime sexual violence simply because of the inclusion of sexual violence as a violation of international law in the tribunals' statutes; the prosecution of sexual violence by the tribunals resulted from concerted action and direct pressure from transnational advocates outside of the tribunals and concerned individuals within the tribunals.

### *The Former Yugoslavia*

The systematic use of sexual violence in the former Yugoslavia strengthened the international women's human rights campaign and formed the basis of the international community's understanding of wartime sexual violence. In 1993 sexual atrocities committed against (predominantly Muslim) Bosnian and Croatian women coincided with the UN World Conferences, as discussed above, and a general strengthening of the

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<sup>135</sup> Interview with legal scholar. 18 June 2012. New York, NY.

<sup>136</sup> Phone interview with ICTY/ICTR prosecutor. 24 July 2012.

<sup>137</sup> Copelon in Heineman, 2011, 242.

women's human rights movement.<sup>138</sup> Sexual violence in war was nothing new in the 1990s or peculiar to the Yugoslav conflict.<sup>139</sup> Serbian commanders condoned, encouraged, and officially orchestrated sexual violence to boost troops' morale,<sup>140</sup> but what truly shocked the international community was the systematic nature through which sexual violence served as a method of ethnic cleansing. The scale and evidence of the systematic nature of sexual violence as a tool of ethnic cleansing appeared to set rape in the Yugoslav conflict apart from rape in other conflicts throughout history.<sup>141</sup> It is important to note, however, that the rates of sexual violence in the former Yugoslavia do not surpass the rates of sexual violence in previous conflicts. Investigators have estimated that between 20,000 and 50,000 women and girls were raped as part of the genocide in the former Yugoslavia.<sup>142</sup> The perception of the scale of sexual violence as unprecedented in this case is just that: perception. Regardless of whether or not sexual violence in the former Yugoslavia was truly unprecedented, advocates' and policymakers' responses to the atrocities launched the issues of wartime sexual violence and violence against women onto the international political agenda.

Sexual violence took on several forms in the conflict in the former Yugoslavia, each of which served the broader goal of creating a unified and ethnically homogenous Serbian state. Ethnic cleansing is designed to “humiliate, shame, degrade, and terrify” and thus cause the entire ethnic group to flee or disappear from the area.”<sup>143</sup> The UN

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<sup>138</sup> Hagay-Frey 2011, 79-80.

<sup>139</sup> Joshua Goldstein. 2001. *War and Gender: How Gender Shapes the War System and Vice Versa*. New York: Cambridge University Press. 362-373.

<sup>140</sup> Cynthia Enloe. 1993. *The Morning After: Sexual Politics at the End of the Cold War*. Berkeley, CA: University of California Press. 240-241

<sup>141</sup> See Goldstein 2001, 363-364.

<sup>142</sup> Goldstein 2001, 363; Enloe 1993, 241; Hagay-Frey 2011, 80.

<sup>143</sup> Askin 1997, 262.

Commission of Experts Report enumerated the following crimes and abuses as means of ethnic cleansing in the former Yugoslavia:

56. Based on the many reports describing the policy and practices conducted in the former Yugoslavia, ‘ethnic cleansing’ has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.<sup>144</sup>

Sexual violence is a gender-based method of ethnic cleansing and relies upon cultural and societal sexual and gender norms for its power and effectiveness. In the case of the former Yugoslavia, sexual violence aimed to humiliate or degrade victims, survivors, and their broader communities through public rapes, gang rapes, and rapes in the presence of spouses, parents, children, and other family members.<sup>145</sup> Systematic sexual violence in the former Yugoslavia, as in many conflicts in which it is used as a tactic of war, drew much of its power as a weapon from cultural and religious perceptions of rape and rape victims. The consequences of rape for Muslim women and women in traditional societies, in particular, are especially severe; raped women and girls are “perceived as soiled and unmarriageable, thus, becoming a target of social ostracism.”<sup>146</sup> Rape brings shame to the entire family, not just to the victim or survivor, in traditional Muslim households and patriarchal societies.<sup>147</sup> To add to the stigma of rape, any child born is considered under

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<sup>144</sup> UN Security Council. 27 May 1994. *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)*. S/1994/674. 33.

<sup>145</sup> Askin 1997, 264-267.

<sup>146</sup> Askin 1997, 268.

<sup>147</sup> Askin 1997, 269.

Islamic law to carry his father's ethnicity;<sup>148</sup> rape campaigns in Muslim or patrilineal societies, then, eliminate the mother's ethnic bloodline. Forced impregnation and maternity through the imprisonment of Muslim women in 'rape camps' followed from cultural understandings of rape and its consequences.<sup>149</sup>

Media and NGO coverage of ethnic cleansing, rape camps, and forced pregnancy placed an enormous amount of political pressure on the members of the UN Security Council.<sup>150</sup> Investigations by international NGOs and individuals in Bosnia yielded copious amounts of documentation of sexual violence and gathered testimonies from survivors who were determined to seek recognition and condemnation.<sup>151</sup> The mounting publicity and direct pressure from civil society led the Security Council to commission a report on the atrocities in the former Yugoslavia and the findings of the Interim Report of the Commission of Experts led to the authorization in 1993 of an *ad hoc* tribunal, the International Criminal Tribunal for the Former Yugoslavia (ICTY) under the authority of Chapter VII of the United Nations Charter.<sup>152</sup> The tribunal's tie to the Security Council and Chapter VII (relating to breaches of international peace and security) situated ethnic cleansing and, by extension, sexual violence, within the realm of security issues.<sup>153</sup> This connection would later prove to be essential to the success of the 'weapon of war' frame and the overall international response to wartime sexual violence.

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<sup>148</sup> Askin 1997, 268; Patricia A. Weitsman. 2008. "The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda." *Human Rights Quarterly* 30: 561-578.

<sup>149</sup> Askin 1997, 273-276.

<sup>150</sup> Hagay-Frey 2011, 82.

<sup>151</sup> Hagay-Frey 2011, 82; Beverly Allen. 1996. *Rape Warfare: The Hidden Genocide in Bosnia-Herzegovina and Croatia*. Minneapolis: University of Minnesota Press. xi-xii; Aida Cerkez. 8 March 2013. "Bosnian woman helped make rape a war crime." Associated Press.

<sup>152</sup> Hagay-Frey 2011, 82; UN Security Council. 9 February 1993. *Interim Report of the Commission of Experts Established Pursuant to Security Council by the Secretary-General*. S/25274.

<sup>153</sup> Hagay-Frey 2011, 82-83, footnote 275.



The Security Council called for the establishment of the ICTY through Resolution 808, adopted on February 22, 1993.<sup>154</sup> Resolutions 820 and 827, adopted on April 17, 1993 and May 25, 1993, respectively, express further condemnation of the atrocities, cite violations of international humanitarian law carried out under the auspices of ethnic cleansing and single out “organized and systematic detention and rape of women” in particular.<sup>155</sup> These resolutions contain the Security Council’s first ever attempts to condemn rape in war.<sup>156</sup> Article 5 of the ICTY statute, contained in the Secretary-General’s report submitted on May 3, 1993, enumerates crimes against humanity, including rape, and grants the tribunal jurisdiction over these offenses.<sup>157</sup> Although the tribunal was granted the authority to prosecute crimes against humanity, war crimes, and crimes of genocide, sexual violence (rape) is only explicitly addressed as a crime against humanity. This represented a landmark achievement, however, as the ICTY was the first post-war tribunal to address sexual violence as a stand-alone offense. The jurisprudence of the ICTY and the ICTR defined rape as an international crime and shaped subsequent international legal and political efforts to break the silence and end the stigma surrounding wartime sexual violence.<sup>158</sup>

### *Rwanda*

As the international community grappled with systematic sexual violence in the former Yugoslavia, reports of mass sexual violence as a tool of genocide in Rwanda

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<sup>154</sup> United Nations Security Council. 22 February 1993. Resolution 808. S/RES/808.

<sup>155</sup> United Nations Security Council. 17 April 1993. Resolution 820. S/RES/820; United Nations Security Council. 25 May 1993. Resolution 827. S/RES/827.

<sup>156</sup> Goldstone 2002, 278.

<sup>157</sup> United Nations Security Council. 3 May 1993. Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993). S/25704. 36.

<sup>158</sup> Ellis 2007, 229.

emerged in 1994. Hutu forces raped, gang raped, raped with objects, sexually mutilated, and sexually enslaved women and girls before and during the 100 day genocide against the Tutsi population.<sup>159</sup> Hutu propaganda campaigns encouraged sexual violence against Tutsi women even before the onset of the genocide. Cartoons and radio broadcasts “depicted Tutsi women as seductress spies, who believed they were far too good for Hutu men.”<sup>160</sup> The gendered component of the anti-Tutsi propaganda fueled highly brutal sexual attacks against Tutsi women.<sup>161</sup> Documentation of sexual violence proved to be difficult, as is the case in most armed conflicts, but Human Rights Watch put forth a rough estimate of between 250,000 and 500,000 total cases of rape based on the number of pregnancies resulting from rape.<sup>162</sup>

In contrast with the ethnic cleansing campaign in the former Yugoslavia, sexual violence in Rwanda was not perpetrated with the goal of creating Hutu offspring; instead, sexual violence took on deliberately lethal characteristics. Sexual violence in the Rwandan genocide was:

part of a pattern in which Tutsi women were raped after they had witnessed the torture and killings of their relatives and the destruction and looting of their homes. According to witnesses, many women were killed immediately after being raped. Other women managed to survive, only to be told that they were being allowed to live so that they would ‘die of sadness.’<sup>163</sup>

The Security Council was already primed to respond to sexual violence in warfare, given the groundswell of political pressure resulting from the atrocities in the former Yugoslavia. As one US ambassador noted: “Sexual violence was among the first issues

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<sup>159</sup> Human Rights Watch. September 1996. *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*. Introduction. Available: <http://www.hrw.org/legacy/reports/1996/Rwanda.htm>

<sup>160</sup> Weitsman. 2008, 573.

<sup>161</sup> Weitsman 2008, 572-573.

<sup>162</sup> Human Rights Watch 1996, 34-35.

<sup>163</sup> Human Rights Watch 1996.

brought to the tribunal. You didn't have to wait- it came in pretty soon among the issues at the top. The understanding, as genocide went on, that sexual violence was a part of it meant that you didn't even have to talk about it to make it part of the tribunal.”<sup>164</sup> When the Security Council again invoked Chapter VII of the UN Charter and established the International Criminal Tribunal for Rwanda (ICTR) through its adoption of Resolution 955 on November 8, 1994, it included rape among the possible charges.<sup>165</sup>

The ICTR statute expanded the definition of rape beyond the context of crimes against humanity and gave the tribunal additional opportunities to prosecute sexual crimes. Article 3 of the ICTR statute, as the ICTY statute before it, includes rape as a crime against humanity “when committed as part of a widespread or systematic attack against any civilian population”.<sup>166</sup> Article 4 of the ICTR statute, however, grants the tribunal the authority to prosecute rape as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II.<sup>167</sup> The statute gave the tribunal additional grounds on which to consider and prosecute wartime rape, but the judges' decisions in *Prosecutor v. Akayesu* (in September 1998) had the earliest impact on the international legal definition of wartime sexual violence.<sup>168</sup> *Prosecutor v. Akayesu* was the first case in which an international tribunal explicitly tied rape to genocide and, in so doing, established a precedent onto which the statute of the International Criminal Court (ICC) and future political responses to wartime sexual violence would build.<sup>169</sup>

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<sup>164</sup> Interview with Ambassador Prudence Bushnell. Fairfax, VA. March 25, 2013.

<sup>165</sup> United Nations Security Council. 8 November 1994. Resolution 955. S/RES/955; Hagay-Frey 95; Mibenge 2013, 63.

<sup>166</sup> United Nations Security Council. 8 November 1994. Resolution 955. S/RES/955. 4.

<sup>167</sup> United Nations Security Council. 8 November 1994. Resolution 955. S/RES/955. 5.

<sup>168</sup> International Criminal Tribunal for Rwanda. 2 September 1998. *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment.

<sup>169</sup> Ellis 2007, 232.

Apart from the international legal landmarks, the atrocities in Rwanda also triggered international political consideration of wartime sexual violence. Although the dominant frame used by international women's human rights advocates in the mid-1990s portrayed sexual violence in war as a violation of women's human rights, policymakers within national governments began to speak of systematic sexual violence as a tactic of war, albeit with a limited understanding of how to respond. Reflecting on the response to sexual violence in Rwanda, Ambassador Prudence Bushnell noted:

The first time I heard of rape as strategy of war was during the genocide in Rwanda. I'm quite sure we [the US government] knew about it. [...] The spread of HIV/AIDS through rape was already an issue. We were also aware of the number of rapes occurring during the genocide, but we may not have noted it as a strategy of war. There was no attempt to address the use of rape during the genocide. We had a foreign policy of sticking our head in the sand and letting everything unfold. Not that our policy of non-intervention did not weigh heavily on everyone in the US government who was working on Rwanda. Setting up the tribunal [ICTR] was important to people working on Rwanda because it was something we *could* do, and our active engagement was important to the speed with which it was set up.<sup>170</sup>

Political and legal consideration of sexual violence as a strategy of war in Rwanda represented the early roots of what would later become the dominant 'weapon of war' frame for sexual violence, but policymakers were unsure of *how* to respond apart from the establishment of *ad hoc* tribunals.

#### *Legacy of the Tribunals: Defining Rape as a Violation of International Law*

The decisions reached through the *ad hoc* tribunals created internationally accepted definitions of rape, as no direct international legal definition existed before the creation of the tribunals.<sup>171</sup> These definitions formed the basis of the international political response to the broader range of wartime sexual violence crimes. Defining,

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<sup>170</sup> Interview with Ambassador Prudence Bushnell. Fairfax, VA. March 25, 2013.

<sup>171</sup> Ellis 2007, 229.

clarifying, and broadening the definition of rape as an international crime did not immediately occur with the adoption of the ICTY and ICTR statutes; the inclusion of rape as a crime against humanity (in both the ICTY and ICTR statutes) and as a breach of the Geneva Conventions (in the ICTR statute) gave the judges and prosecutors sufficient jurisdiction to consider cases that would ultimately expand the definition of rape as an international crime.<sup>172</sup> The judges and prosecutors did not always prioritize sexual crimes, leaving the impression that they “regarded sexual violence charges as the least relevant of the grave crimes being investigated and in many cases sacrificed them in the interest of expediency.”<sup>173</sup>

*Prosecutor v. Akayesu* set a significant precedent and “expanded the capability of the international community to prosecute wartime sex crimes.”<sup>174</sup> Jean-Paul Akayesu was the first person to be tried in an international court for crimes of genocide, but the original indictment did not include rape or any other crimes related to sexual violence.<sup>175</sup> The inclusion of rape in this case occurred only after witness testimonies repeatedly referred to instances of brutal rape and gang rape of women and very young girls.<sup>176</sup> Judge Navanethem Pillay, the only female ICTR judge and the only ICTR judge who had experience addressing gender-based violence in international legal matters, ordered an investigation into the witnesses’ accounts and the results of this investigation led the judges to order the prosecutor to revise Akayesu’s indictment.<sup>177</sup> The amended indictment charged Akayesu with sexual violence as a crime of genocide, crime against

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<sup>172</sup> Hagay-Frey 2011, 96-97.

<sup>173</sup> Mibenge 2013, 67. See also Peggy Kuo. 2002. “Prosecuting Crimes of Sexual Violence in an International Tribunal.” *Case Western Reserve Journal of International Law* 34: 310.

<sup>174</sup> Hagay-Frey 2011, 97.

<sup>175</sup> Hagay-Frey 2011, 97.

<sup>176</sup> Hagay-Frey 2011, 98.

<sup>177</sup> Hagay-Frey 2011, 98; Goldstone 2002, 282.

humanity, and breach of Article 3 of the Geneva Conventions.<sup>178</sup> The judgment in *Prosecutor v. Akayesu* clarified the definition of rape by defining ‘rape’ as a “physical invasion of a sexual nature, committed on a person under circumstances that are coercive” and stating that “the central elements of the crime of rape cannot be captured in a mechanical description of objects and body parts” and are “not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact.”<sup>179</sup> Reflecting on the decision in *Prosecutor v. Akayesu* the first Chief Prosecutor, Richard Goldstone, observes:

The judges stated in clear terms that in their opinion, ‘Rape is a form of aggression. Rape is a violation of personal dignity,’ and ‘Rape and sexual violence constitute one of the worst ways of harming the victim as he or she suffers both bodily and mental harm.’ It is significant that the judges referred to ‘he’ as well as ‘she’ because one of the horrible phenomena to come out of these wars is the rape of men by men.<sup>180</sup>

The expanded consideration of sexual violence—as a physical and psychological attack that can affect both men and women—was a promising improvement in international law.

The ICTY similarly sought to clarify the international legal definition of rape through *Prosecutor v. Furundzija* and established that ‘rape’ may include the following:

- (i) the sexual penetration, however slight:
  - (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or
  - (b) of the mouth of the victim by the penis of the perpetrator;
- (ii) by coercion or force or threat of force against the victim or a third person.<sup>181</sup>

The tribunal’s decision to formulate the definition of rape so broadly was an important step toward broadening the definition of sexual violence because it “recognized that

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<sup>178</sup> Hagay-Frey 2011, 98.

<sup>179</sup> *Prosecutor v Akayesu* judgment, cited in Ellis 2007, 231.

<sup>180</sup> Goldstone 2002, 277.

<sup>181</sup> International Criminal Tribunal for the Former Yugoslavia. 10 December 1998. *Prosecutor v. Furundzija*, Case No. ICTY-95-17/1-T, Judgment. Paragraph 185.

coercion can exist whether directed toward the victim or toward third parties”<sup>182</sup> and established that “a forced oral act is a degrading act that harms dignity.”<sup>183</sup> Both decisions, but especially the latter, opened the door to prosecution of acts sexual violence committed against *men* as well as women, which is essential for the legal and political understanding of sexual violence as a crime or a weapon, rather than a ‘women’s issue’.

The establishment, early decisions, and landmark cases of the ICTY and ICTR set the stage for future international legal and political condemnation of wartime sexual violence. By broadening the definition of rape as an international crime and ensuring that acts of sexual violence were included in indictments and judgments, the tribunals took the first steps in developing the international response to wartime sexual violence. The treatment of individual cases and legal developments is quite brief here, as the dissertation’s focus is on the international political response to wartime sexual violence. As noted above, a wealth of scholarship has thoughtfully discussed the achievements and shortcomings of the ICTY and ICTR with respect to gender-based violence and sexual violence in particular.<sup>184</sup> It should also be noted that the Rome Statute of the International Criminal Court (ICC), signed on July 17, 1998, established that sexual violence is a crime under international law.<sup>185</sup> As a permanent international court the ICC’s recognition of sexual violence contributes significantly to the legal discourse on and international understanding of sexual violence. My focus on the advances made by the *ad hoc* international tribunals, with respect to the dissertation’s central aim, pertains to the impact of transnational mobilization on the tribunals and the initial impetus for

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<sup>182</sup> Ellis 2002, 232

<sup>183</sup> Hagay-Frey 2011, 91.

<sup>184</sup> Inal 2013; Mibenge 2013; Edwards 2011; Hagay-Frey 2011; Campanaro 2001. Askin. 1997.

<sup>185</sup> Rome Statute of the International Criminal Court. 17 July 1998. Available: <http://www.un.org/law/icc/index.html>

international political action on wartime sexual violence; the next section discusses the role of advocacy in the tribunals' initial establishment and early operating decisions.

### **3.3. The Impact of Activism**

Mounting pressure from an increasingly active transnational network of women's human rights groups and widespread attention to systematic rape in the former Yugoslavia led the UN Security Council to recognize and include rape as a crime against humanity in the ICTY statute in May 1993. The continued mobilization of women's human rights groups coupled with similarly systematic rape on perhaps an even larger scale in Rwanda led the Security Council once again to include rape among the crimes against humanity and to add rape, enforced prostitution, and indecent assault as breaches of the Geneva Conventions in the ICTR statute.<sup>186</sup> Without the presence of a transnational movement focused on eliminating violence against women and promoting women's rights as human rights, these initial steps in the developing international response to wartime sexual violence would not have occurred. The dissertation's second facilitative condition, H1b, contends that the transnational mobilization that occurred in the early- and mid-1990s is a necessary condition in the development of the international response to wartime sexual violence. Mobilization to promote women's human rights coincided with news of the atrocities in the former Yugoslavia and—later—Rwanda, leading the movement to expand its focus from the status of women in domestic affairs and development to include violence against women, broadly conceived, and sexual violence in war.<sup>187</sup> The use of systematic sexual violence to accomplish genocidal aims in the former Yugoslavia and Rwanda, and the decisions that led to successful legal

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<sup>186</sup> Copelon in Heineman, 2011, 242.

<sup>187</sup> Enloe 1993, 239-244.



condemnation of wartime rape, formed the baseline of the international community's understanding of horrific sexual violence and discussion of sexual violence as a 'weapon of war'. Absent the pressure from transnational advocates Security Council members and the leadership of the tribunals would have relegated sexual violence to the category of inevitable by-products of war, just as the Nuremberg and Tokyo tribunals did, and the development of the international response to wartime sexual violence would have unfolded quite differently, if at all.

When the atrocities in the former Yugoslavia began to come to light, there was little awareness of or sensitivity to sexual violence among policymakers and officials within national governments and the UN. An anecdote from one human rights specialist working with refugee populations at the time makes this clear: "A Western person at UN headquarters once asked me: 'What's so terrible about rape? You don't die from it.'"<sup>188</sup> Pressure from the women's human rights transnational network sought to change this mindset and make clear that 'women's rights are human rights' and violence against women is an issue requiring international attention and condemnation; sexual violence in the former Yugoslavia and Rwanda became a highly salient example of the importance of improving women's rights and status and ending impunity for violence against women. This incorporation of violence against women into the women's rights movement marked a departure from the movement's emphasis in the 1970s through the very early 1990s; as discussed above, the path-breaking CEDAW treaty provisions did not include violence against women and the UN World Conferences may have similarly focused on issues of legal equality (instead of violence and bodily integrity as human rights issues) if NGOs

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<sup>188</sup> Interview with Roberta Cohen. February 21, 2012. Fairfax, VA.

and survivors of sexual violence in Bosnia had not been a vocal constituency at the Vienna Conference.<sup>189</sup>

The impact of transnational advocacy is evident in every step of the early international response to sexual violence in the former Yugoslavia and Rwanda, from the initial investigation into allegations of systematic sexual violence in the former Yugoslavia through the tribunals' deliberate appointment of female judges and prosecutors. The Commission of Experts' Report,<sup>190</sup> commissioned by the Security Council in October 1992, led by Cherif Bassiouni, and submitted to the Security Council in May 1994, was heavily influenced by transnational mobilization in response to the atrocities in the former Yugoslavia. The Report drew from "letters, papers, studies, and all types of documents sent by female academics, women's groups, and individual women who urged the then Secretary-General, Kofi Annan, to enumerate crimes of sexual violence in the statute. Clamoring to create a gender competent Tribunal was not a one-person act. It never was. It could not have been."<sup>191</sup> Supporting the inclusion of sexual violence in the Commission of Experts' Report was the first step in getting sexual violence on the international agenda, as it informed the Security Council of the gravity and prevalence of sexual atrocities in the former Yugoslavia.

Transnational advocates' engagement with international officials did not stop with the Commission of Experts' Report; instead, human rights groups directly pressured the first Chief Prosecutor after his appointment, urging him to make every effort to ensure

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<sup>189</sup> See Patricia Viseur Sellers. 2009. "Gender Strategy is Not Luxury for International Courts Symposium: Prosecuting Sexual and Gender-Based Crimes Before Internationalized Criminal Courts." *American University Journal of Gender, Social Policy & the Law* 17(2): 305.

<sup>190</sup> United Nations Security Council. 27 May 1994. Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992). S/1994/674.

<sup>191</sup> Sellers 2009, 305-306.

that the tribunal seriously considered sexual violence crimes. Women's groups and human rights organizations in Europe and North and South America actively engaged the Chief Prosecutor and Deputy Prosecutor, encouraging the Office of the Prosecutor to establish a separate unit for the investigation of rape and sexual violence cases.<sup>192</sup> "Women's groups wanted to ensure that sexual assault investigations were a forethought [*sic*], and not an afterthought. The vigilant contributors reiterated that the investigation and prosecution of sexual assault crimes were integral to the Tribunal's mandate."<sup>193</sup> The first Chief Prosecutor, Judge Richard Goldstone, heeded the 'vigilant' advocates' calls. Reflecting on his early days in The Hague, Goldstone attributes the advances in legal recognition of sexual violence to their efforts:

Much of the credit for these advances goes to human rights organizations. These organizations alerted me to the anger and frustration of the victims of those crimes and the concern of many thousands of women in dozens of countries. [...] I was inundated with letters and petitions from women and men in the United States, Canada, and many of the western European nations. The letters implored us to give adequate attention to gender-related crimes. [...] What impressed me is that the letters had been individually written—they were not simply standard form letters or petitions. Many people, and particularly women, had taken the trouble to put in their own words, sometimes in broken English, their concern about rape either being ignored once again or not receiving adequate attention from the Tribunal.<sup>194</sup>

As a result of the influx of letters Goldstone appointed Patricia Sellers as the legal advisor to the Office of the Prosecutor for Gender Crimes and tasked her with the oversight of rape in the tribunal's indictments and investigations, as well as gender dynamics *within* the Office of the Prosecutor.<sup>195</sup> Goldstone's concern, one that Sellers corroborated, was that the predominantly masculine culture in the Office of the

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<sup>192</sup> Sellers 2009, 307.

<sup>193</sup> Sellers 2009, 307.

<sup>194</sup> Goldstone 2002, 280.

<sup>195</sup> Goldstone 2002, 280; Sellers 2009, 307.

Prosecutor could easily inhibit the successful prosecution of gender-based and sexual crimes.<sup>196</sup> Goldstone and the tribunals' female judges and prosecutors worked tirelessly to defend the importance of investigating and prosecuting sexual violence, often combating an organizational culture that viewed these crimes as secondary or unimportant next to charges of genocide and mass murder.<sup>197</sup>

### *The Institutional Presence of Women*

Transnational advocacy and mobilization in response to the atrocities in the former Yugoslavia and Rwanda led the Security Council and the leadership of the ICTY and ICTR to ensure that sexual violence was not overlooked in the aftermath of the two conflicts. Advocates' calls for recognition of gender-based and sexual violence led Judge Goldstone to appoint qualified women to positions of influence to create a more gender sensitive tribunal. The impact of transnational mobilization, then, was amplified by another factor: as the dissertation's second alternative argument suggests, the presence of women in institutions made the response to sexual violence more likely. As the discussion of Goldstone's personnel decisions indicates, effectively prosecuting sexual violence at the ICTY and ICTR depended on the presence of judges and prosecutors who were sympathetic to the issue. Although recognition of sexual violence is not a trait unique to women—and one need look no further than Goldstone himself to realize this—cases such as *Prosecutor v. Akayesu* and accounts of the organizational culture within the Office of the Prosecutor indicate that women's presence was indeed a necessary condition leading to the recognition of wartime sexual violence at the ICTY and ICTR.

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<sup>196</sup> Goldstone 2002, 280; Sellers 2009, 307.

<sup>197</sup> Kuo 2002, 309-310.

The UN Security Council, upon the Secretary-General's recommendation, noted at the ICTY's creation that the mandate to prosecute rape as a crime against humanity and the reality of handling accounts of gender-based violence would require special consideration and the appointment of female personnel.<sup>198</sup> The organizational culture within the tribunals threatened to impede the effective investigation and prosecution of gender-based crimes, as Goldstone recalls:

I was amazed at the gender bias that emerged in our international office. One of the precipitating factors was the high number of investigators amongst the staff of the office. For the most part, they were police and army officers. [...] In all but one or two, there were no senior female investigators. Their culture was not such as to make them concerned about gender-related crime. It soon became apparent to me that it was essential to make them all aware that any form of gender discrimination or inappropriate language in the office would simply not be tolerated. I became convinced that if we did not have an appropriate gender policy in the Office of the Prosecutor, we would have little chance of getting it right outside of the office.<sup>199</sup>

In her account of the ICTY's efforts to address sexual and gender-based crimes, Kelly Askin points to the central role played by Goldstone, Sellers, and the other female judges, prosecutors, and staff members:

Before women, and a man the caliber of Judge Richard Goldstone, became involved with the Yugoslav Tribunal, the U.N. negotiators were allegedly reluctant to address issues of mass rape; they considered it 'very difficult to bring up these kinds of issues.' At the most fundamental level, to be punishable, rape allegations must be reported, taken seriously, and investigated in order to be prosecuted. Involving women in the Yugoslav Tribunal in positions of power as investigators, researchers, judges, legal advisors, and prosecutors greatly assisted this process. [...] Once women became involved in various high-level positions within the tribunal, other essential steps toward prosecuting gender crimes began to take place.<sup>200</sup>

The impact of women's institutional presence in the tribunals can be seen in the swift turn of events in some of the cases addressing sexual and gender-based violence.

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<sup>198</sup> Goldstone 2002, 278-279.

<sup>199</sup> Goldstone 2002, 280.

<sup>200</sup> Askin 1997, 300-302.

Recall that the initial indictment in *Prosecutor v. Akayesu*, the first case to tie rape to genocide and therefore expand the legal consideration of war rape, did not include rape among the charges. Judge Pillay, the only female judge in the trial chamber, decided that witness testimony indicated that widespread rape as a tool of genocide and ordered the prosecutors to investigate witnesses' allegations of rape and amend the indictment accordingly.<sup>201</sup> Had Judge Pillay not been present and attuned to gender-based violence as an international legal issue based on her previous work, the landmark conviction in *Prosecutor v. Akayesu* would have been just another case that overlooked wartime rape. The indictment of Dragan Nikolic at the ICTY developed in a similar fashion, with Judge Odio Benito, one of two female ICTY judges, calling on prosecutors to revise their initial indictment to reflect gender-based crimes:

In the view of the lawyers who worked on the Nikolic indictment, there was insufficient evidence to justify charging him with gender crimes. That, however, did not deter [...] Odio Benito from raising the gender issue very forcefully early in the proceedings. In one of the early procedural applications, she publicly exhorted the Office of the Prosecutor to include gender crimes in the indictment. She relied on some of the testimony associated with the indictment and took the other two male members of her trial chamber with her. In their interlocutory judgment, they called for gender crimes to be added to the indictment.<sup>202</sup>

Female judges, prosecutors, and staff members were instrumental in expanding the international legal definition of rape (as in *Prosecutor v. Akayesu*) and ensuring the inclusion of gender-based crimes in indictments where they otherwise may have been overlooked. The Rome Statute of the ICC recognizes the vital role of women at the ICTY and ICTR and calls on member states to recognize the need for “fair representation of

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<sup>201</sup> Ellis 2007, 232; Hagay-Frey 2011, 97-100.

<sup>202</sup> Goldstone 2002, 281.

both men and women as judges” and “the need for judges to have expertise in certain subjects, including violence against women and children.”<sup>203</sup>

The presence of women in institutions and their influence on the trajectory of those institutions were necessary in the initial development of the international response to wartime sexual violence. Transnational advocates’ calls for attention to gender-based crimes and war rape in the former Yugoslavia and Rwanda prompted the Security Council and the leadership of the *ad hoc* tribunals to ensure the proper handling of rape charges by including qualified women as judges, prosecutors, and staff members and taking care to promote an organizational culture conducive to the effective consideration of gender issues to the extent possible. By shaping the legal response to the use of rape in the former Yugoslavia and Rwanda, women working in the international tribunals helped to establish the foundation for future international legal and political responses to wartime sexual violence in other conflicts and as a general issue. As future cases demonstrate, however, women’s presence is not sufficient to guarantee a political response to wartime sexual violence and—as Goldstone’s tremendous influence suggests—women do not have a monopoly on the ability to recognize and respond to gender-based atrocities.

### **3.4. Conclusion**

Transnational mobilization around women’s human rights and violence against women, and the movement’s particular focus on systematic rape as a violation of women’s fundamental human rights, shaped the earliest international responses to wartime sexual violence. The inclusion of rape in the statutes of the ICTY and ICTR represents a large step forward for the UN Security Council, as condemnation of

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<sup>203</sup> Hagay-Frey 2011, 104.

systematic rape in the former Yugoslavia marked the first time the security-minded international assembly recognized rape as a peace and security issue. By directing the tribunals to prosecute rape as a crime against humanity and a breach of the Geneva Conventions, the Security Council and Secretary-General began to chip away at centuries of silence surrounding the use of sexual violence in war.

The inclusion of rape in the tribunals' statutes did not, of course, guarantee the successful prosecution of sexual and gender-based crimes. Instead, continuous and personalized pressure from western women's groups and human rights groups held the Chief Prosecutor and leadership of the tribunals accountable to the mandate to prosecute rape. The successful prosecution of war rape was a struggle that was only overcome through advocacy and the dedication of the judges, prosecutors, and staff who took seriously advocates' demands for recognition. Discussing her investigation and prosecution team's strong will not only to prosecute rape as a crime against humanity (as enumerated by the Security Council in the ICTY statute) but to expand the tribunal's consideration of rape, Sellers recalls: "The conventional wisdom was that only rape as a crime against humanity would be prosecuted. That was to be it; however, they underestimated us."<sup>204</sup> The political and legal responses to sexual violence in the former Yugoslavia and Rwanda were brought about by *people* and their dedication to a new cause; the political dynamics and crucial decisions that secured international responses to war rape in the 1990s were not the results of internalized notions of what constitutes an appropriate response to gross violations of human dignity. Absent the women's human rights movement and its fortuitous concurrence with the systematic violence against women in the former Yugoslavia and Rwanda, sexual violence in these two conflicts may

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<sup>204</sup> Sellers 2009, 307.



have occupied the news headlines but received a muted response from the post-war tribunals, just like the atrocities of the ‘comfort women’ system and mass rape in Berlin and Bangladesh.

The transnational women’s human rights movement ensured that sexual violence would be taken seriously by the Security Council and the *ad hoc* tribunals, but the ‘women’s human rights’ frame for sexual violence did not persist as the dominant frame past the early 2000s. The response to systematic rape in the former Yugoslavia and Rwanda established the foundation for future responses to specific conflicts and the issue of sexual violence in general. The use of sexual violence as a method of genocide in the two conflicts set the international community’s benchmark for understanding and responding to horrific sexual violence. Although transnational mobilization in response to the two conflicts placed sexual violence on the international agenda, the scale and specific methodology (e.g. rape camps in Bosnia) with which the perpetrators committed sexual violence created a very specific understanding of ‘war rape’. The former Yugoslavia, but especially Bosnia, and Rwanda serve as analogues or convenient shorthand for policymakers and officials who are faced with new situations and allegations of wartime sexual violence. If a conflict resembles the atrocities in Bosnia or Rwanda, if sexual violence appears to be similarly systematic and brutal, then the international community is more likely to respond. The literal use of rape as a weapon of war against women in the former Yugoslavia and Rwanda shaped the early use of the ‘weapon of war’ frame that would become the dominant frame for wartime sexual violence, as the next chapter discusses in the context of the United States response to sexual violence in the Democratic Republic of the Congo. The first examples of any

atrocities to gain international attention form the basis of the international community's understanding of that issue, and the role of the former Yugoslavia and Rwanda in the development of the international response to wartime sexual violence is no exception.

## Chapter 4

### The Shifting United States Response to Sexual Violence in the Democratic Republic of the Congo

“Her story is unfortunately far too common. In the DRC’s eastern provinces, 1,100 rapes are reported each month. Rape is being used in armed conflict as a deliberate strategy to subdue and destroy communities.”<sup>205</sup>

Condemning atrocities is an effective way to vilify an enemy, camouflage belligerent aims so they appear benevolent, or rally support for an imminent armed intervention. Citing an adversary’s use of rape, especially as a weapon of war or a tactic of political repression against women and children, is perhaps one of the most powerful tools in the rhetorical toolbox: waging a campaign of rape against civilians is among the most callous and barbaric forms of warfare. It seems clear, then, that a state has strategic incentives to highlight an adversary regime’s use of sexual violence when preparing to engage that adversary in warfare. Regardless of the scale of the adversary’s abuses, making graphic references to sexual violence, particularly rape, may provide justification for military action. Such was the case in 1990 when President George H.W. Bush augmented his rationale for war by citing Saddam Hussein’s use of systematic rape against the women of Kuwait.<sup>206</sup> As the United States committed forces to the peacekeeping operation in the former Yugoslavia, President Bill Clinton recalled the use of systematic rape as a tool of war.<sup>207</sup> President George W. Bush similarly condemned sexual violence by Saddam Hussein’s regime after making the decision in late 2002 to

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<sup>205</sup> Melanne Verwee, Ambassador-at-Large for Global Women’s Issues, testimony before the US House of Representatives, 21 October 2009.

<sup>206</sup> Eran N. Ben-Porath. 2007. “Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts.” *Presidential Studies Quarterly* 37(2): 189.

<sup>207</sup> Ben-Porath 2007, 190.

wage war against Iraq; he cited the use of ‘rape rooms’ and rape as a method of intimidation alongside references to other horrific abuses.<sup>208</sup> Graphic discussion of wanton sexual violence used against civilians can sell war quite effectively, but national and international responses to wartime sexual violence from the mid-1990s onward have defied interest-based logic and have often had little to do with impending military interventions.

In recent years the international community of states and organizations has begun to recognize sexual violence with increasing frequency and condemnation; this recognition occurs beyond the context of justifying armed intervention. Acknowledging United States (US) efforts to condemn adversaries’ atrocities for the purpose of justifying belligerent policies or impending troop deployments, as explored in previous scholarship,<sup>209</sup> this chapter investigates state efforts to recognize wartime sexual violence outside of the context of rallying support for armed intervention. By examining US rhetorical condemnation of and material commitments to address wartime sexual violence in the Democratic Republic of the Congo (DRC), I establish that interest-based explanations cannot fully explain when, why, and to what extent states recognize wartime sexual violence. Instead, the framing of wartime sexual violence as a weapon of war motivates states’ responses to wartime sexual violence.

The United States government began to recognize sexual violence in the DRC with increasing frequency over time, and the recognition became more consistent and comprehensive when the image of sexual violence as a weapon of war emerged as the

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<sup>208</sup> Ben-Porath 2007, 194.

<sup>209</sup> Ben-Porath 2007, 189-196; Krista Hunt and Kim Rygiel, Eds. (2006) *(En)gendering the war on terror: war stories and camouflaged politics*. Burlington, VT: Ashgate. 7-8; Carol Harrington. 2010. *Politicization of Sexual Violence: From Abolitionism to Peacekeeping*. Burlington, VT: Ashgate Publishing Company. 137-138.

dominant frame through which national policymakers viewed sexual violence. Political rhetoric and action concerning sexual atrocities in the DRC has followed a consistent pattern, emphasizing the systematic and brutal nature of wartime sexual violence used by combatants against civilians. This pattern of recognition appears to offer support for the ideational explanation of issue framing and persuasion: once policymakers were persuaded of the heinous nature of sexual violence in the DRC, they were more likely to initiate rhetorical and material responses. Realities on the ground in the DRC—better mechanisms for documenting and reporting sexual violence as well as an increase in the scale of sexual violence in some regions in 2008—helped to solidify the image of sexual violence as a weapon of war and, with it, the US response to wartime sexual violence in that particular state. By uncovering the conditions necessary to trigger a state's earnest response to wartime sexual violence, beyond strategically employed rhetoric, this case study contributes to the broader understanding of when and why wartime sexual violence in *any* conflict elicits condemnation and action from states.

The chapter proceeds as follows: section 4.1 positions the case study in the broader context of the dissertation and applies the central and alternative arguments to the case study; section 4.2 discusses and justifies the sources used to construct a case study of the US response to sexual violence in the DRC; section 4.3 traces the US response to wartime sexual violence in the DRC; and section 4.4 offers conclusions.

#### **4.1. Understanding State Responses to Wartime Sexual Violence: The US Response to Sexual Violence in the DRC**

States are motivated to condemn atrocities for strategic and ideational reasons. Condemning atrocities committed by an adversary can justify existing or impending

armed intervention or provide political cover for unpopular actions and policies. Compliance with normative obligations or expressing concern for another state's civilians may at times function as cheap talk or 'windowdressing' for existing state interests. Strategic interests can constitute a mechanism driving a state's response to wartime sexual violence according to interest-based International Relations scholarship; realist scholars, in particular, view international law and norms as the 'windowdressing' used by liberal states who wish to promote and protect their interests.<sup>210</sup> The interest-based alternative argument introduced in Chapters 1 and 2 provides a tempting explanation for state-based responses to wartime sexual violence.

In line with interest-based explanations of state condemnation of sexual violence and other atrocities against civilians, US policymakers cited the oppression of women and the use of sexual violence as a tool of political repression as justification for the war on terror. Before and after invading Afghanistan in 2001, the Bush administration worked to publicize the oppression of Afghan women under the Taliban to justify the military intervention. Seemingly hypocritical rationale for a state that still has not ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), the "image of the Afghan woman shrouded in the burqa played a leading role" in the administration's public justification for military intervention in Afghanistan after the September 11, 2001 attacks.<sup>211</sup> In September 2002, while attempting to persuade the international community and the American public of the validity of an invasion of Iraq the Bush administration recounted the Iraqi regime's use of 'rape rooms' and use of rape for political

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<sup>210</sup> Olga Avdeyeva. 2007. "When Do States Comply with International Treaties? Policies on Violence against Women in Post-Communist Countries." *International Studies Quarterly* 51: 880.

<sup>211</sup> Kevin J. Ayotte and Mary E. Husain. 2005. "Securing Afghan Women: Neocolonialism, Epistemic Violence, and the Rhetoric of the Veil." *NWSA Journal* 17(3): 112-133.

repression.<sup>212</sup> The administration's rhetoric condemning sexual violence faded after the world learned about the sexual abuse of prisoners at Abu Ghraib; the US soldiers' actions were condemned as the misdeeds of a few 'bad apples' rather than the policy of an administration and the values of a nation.<sup>213</sup> When condemning sexual violence failed to serve US strategic interests the administration abandoned its rhetorical condemnation.

Strategic interests function as a mechanism driving states to respond to wartime sexual violence when doing so provides political cover or generates support for an existing interest. According to this explanation, state interests matter and the scale, nature, or egregiousness of the atrocity only provide a selling point for the state's existing belligerent aims. Alternative Argument 1 relies on this logic and suggests that states and multilateral organizations employ rhetoric of sexual violence as justification for wars and sanctions waged for unrelated or self-interested purposes. A state will reserve condemnation of sexual violence for its adversaries, particularly in the buildup to war or to highlight a civilizational divide and make an adversary appear barbaric. A state will likely condemn sexual violence (conflict-related or more broadly considered) within an adversary's borders in order to justify intervention or other domestically or internationally unpopular belligerent maneuvers.

Two observable implications follow from this interest-based explanation: states and the international organizations through which they act will be unwilling to bear costs tied to the response to wartime sexual violence and will not endeavor to institutionalize responses over the long term. The first implication assumes that a state's response to

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<sup>212</sup> Ben-Porath 2007, 194; Harrington 2010, 137-138.

<sup>213</sup> Ben-Porath 2007, 196.

wartime sexual violence functions as cheap talk.<sup>214</sup> A state acting in accordance with this logic will avoid references to sexual violence, especially graphic anecdotes that evoke sympathy for victims and anger toward the perpetrators, when seeking to avoid military engagement, regardless of the state's relationship with the perpetrator.<sup>215</sup> Sexual violence is, under these circumstances, largely a non-issue and serves as a pawn when convenient to build support for the state's impending military engagement by making intervention appear benevolent.<sup>216</sup> The second observable implication suggests that if strategy is the dominant political mechanism motivating the response the state will not work to institutionalize the means to respond to wartime sexual violence and will only respond when doing so meets strategic or military ends. When sexual violence is employed as a rhetorical tool to support strategic interests, discussion of sexual atrocities is limited to the points at which it is advantageous and there is little chance of long-term recognition of wartime sexual violence as an issue. The assumption here is that state interests remain stable and interest in issues like wartime sexual violence will ebb and flow depending on their synchronicity with strategic aims.

### *Non-Strategic Recognition of Wartime Sexual Violence*

Over the course of the past two decades, states and international organizations have begun to recognize and condemn wartime sexual violence with greater frequency and evidence suggests that the interest-based explanation is insufficient to explain this

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<sup>214</sup> See: Lisa Hultman. 2012. "UN peace operations and protection of civilians: Cheap talk or norm implementation?" *Journal of Peace Research* 50(1): 59-73; Anne E. Sartori. 2002. "The Might of the Pen: A Reputational Theory of Communication in International Disputes." *International Organization* 56(1): 121-149. Alastair Smith. 1998. "International Crises and Domestic Politics." *American Political Science Review* 92(3): 623-638.

<sup>215</sup> Ben-Porath 2007, 192-194.

<sup>216</sup> Hunt and Rygiel 2006, 8-10.



change. Although variation in the degree of response to sexual violence across concurrent conflicts exists, the issue as a whole has received increased attention in recent years. Issue framing is the crucial political mechanism driving state responses to wartime sexual violence, as the dissertation's central argument suggests: when advocates and policymakers began to discuss sexual violence as a weapon or tactic of war states and international organizations began to respond, even when doing so did not have a direct effect on strategic interests. Recall that sexual violence as a 'weapon of war' requires the observation that sexual violence has a "systematic, pervasive, or officially orchestrated aspect,"<sup>217</sup> and is not random but seems to be "carried out as deliberate policy."<sup>218</sup> If this framing mechanism impacts states' responses to wartime sexual violence, then political discourse and rhetoric and material commitments in response to wartime sexual violence will increase in strength and become more consistent over time, especially when sexual violence within a given conflict fits the 'weapon of war' frame. In contrast to the interest-based explanation, state responses to wartime sexual violence will generally increase over time and in response to increases in the scale of violence, rather than ebb and flow based on current military engagements or alignment with national security interests.

Three political conditions are linked to and support the 'weapon of war' frame. First, salient conflict analogies support the perception that sexual violence in a given conflict is a weapon. In the case of the US response to sexual violence in the DRC, policymakers and advocates emphasized the systematic and widespread nature of the sexual atrocities in the conflict. The use of such descriptions placed sexual violence in the

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<sup>217</sup> Doris E. Buss. 2009. "Rethinking 'Rape as a Weapon of War'." *Feminist Legal Studies* 17: 149.

<sup>218</sup> Catherine N. Niarchos. 1995. "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 17(4): 658.

DRC on par with sexual violence in the widely recognized and condemned cases in the former Yugoslavia and Rwanda. Advocates frequently drew explicit linkages between sexual violence in the DRC and sexual violence in the former Yugoslavia (especially Bosnia) and Rwanda in speeches and documents.<sup>219</sup> The protracted armed conflict and instability eventually became a salient analogue itself, leading to key developments in the response to wartime sexual violence not only within the US but also at the UN and within the broader international community. The massive scale and graphic documentation of sexual atrocities in these three conflicts allowed advocates to use them as easily accessible and powerful images of sexual violence as a weapon of war, which made framing wartime sexual violence in general in terms of a weapon of war an easier endeavor.

The second facilitative condition speaks to the role of transnational advocates in shaping international recognition of sexual violence as a weapon of war. The US response to sexual violence in the DRC was motivated not only by domestic political actors but by international NGOs, UN agencies and officials, and individual advocates from outside of the US. Use of the phrase ‘rape as a weapon of war’ by the UN Secretary General in 2000 and 2001 and a 2002 Human Rights Watch (HRW) Report on sexual violence as a weapon of war in the DRC preceded US policymakers’ use of the ‘weapon

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<sup>219</sup> See, for example: December 4, 1996. “State Department on Refugee Crisis in Central Africa” in *Historic Documents of 1996*. Washington: CQ Press. 815.

<http://library.cqpress.com.proxygw.wrlc.org/historicdocuments/hsdc96-0000035254>.

State Department. May 13, 2009. “Testimony before the U.S. Senate Subcommittees on African Affairs, and Human Rights, Democracy, and Global Women’s issues”. Testimony by Melanne Verveer.

State Department. September 30, 2009. “Remarks on the Adoption of a United Nations Security Council Resolution to Combat Sexual Violence in Armed Conflict.” Remarks by Hillary Rodham Clinton.

State Department. January 8, 2010. “Remarks on the 15<sup>th</sup> Anniversary of the International Conference on Population and Development.” Address by Hillary Rodham Clinton.

of war' frame and shed light on the systematic nature of the sexual atrocities in the DRC.<sup>220</sup> Organizations such as HRW, Open Society Justice Initiative, International Rescue Committee, and individual advocates including filmmaker Lisa Jackson and Congolese doctor Denis Mukwege were involved in the developing US response to sexual violence in the DRC and elsewhere throughout the early 2000s. Their participation in Congressional hearings provided the types of graphic testimonies and valuable institutional insights needed to draw attention to sexual violence in the DRC and the need for rhetorical and tangible commitments from strong states like the US.

The third political condition addresses the impact of political influence, observing that individual advocates' relative political positions and connections are instrumental to diffusing the 'weapon of war' frame and the overall response to wartime sexual violence. The US response to sexual violence in the DRC was driven at key moments by individual advocates' personal convictions and dedication to stamping out the use of sexual violence as a weapon. Influential US politicians, including Condoleezza Rice, Zalmay Khalilzad, and especially Hillary Clinton and Melanne Verveer were staunch proponents of committing US diplomatic efforts and financial resources to supporting survivors of sexual violence in the DRC and addressing the factors that make sexual violence such a powerful weapon of war.

The role of individual advocates in securing the US response to sexual violence in the DRC lends support to the second alternative explanation, A2, which anticipates that the increased presence and influence of women in national governments and international

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<sup>220</sup> United Nations Secretary General. 6 December 2000. "UN Secretary General on the War in the Congo." Statement to the United Nations Security Council; United Nations Secretary General. 21 February 2001. "UN Secretary General on the War in the Congo." Statement to the United Nations Security Council; Human Rights Watch. 2002. *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*. New York: Human Rights Watch.

organizations led to increased recognition of wartime sexual violence. The tremendous influence of Clinton, Verveer, Rice, and the State Department's Office of Global Women's Issues (which is staffed predominantly by women) appears to support this explanation in conjunction with the third political condition on leverage and influence discussed above. Without the attention paid to the issue by these politically influential women, wartime sexual violence in general and in the DRC in particular may not have made it onto the US political agenda. The unanswered question that remains, however, pertains to the timing and nature of the US response: the US only began to condemn sexual violence in the DRC and make material commitments to address it in 2003, only after recognizing sexual violence *as a weapon of war*. As discussed in greater depth below, the US Government had documentation of the perpetration of sexual violence by security forces and armed groups in the region from the mid-1990s onward, but did not issue a response before 2003. The timing and variation in the US response to sexual violence in the DRC and as a general issue compared to the presence and influence of powerful female policymakers and advocates suggest that the presence of these women is a necessary but insufficient condition. The presence of influential women undoubtedly advances the discussion and recognition of, as well as material commitments to addressing, wartime sexual violence, but this factor in and of itself is not a sufficient or complete explanation.

#### **4.2. Measuring the US Response to Sexual Violence in the DRC**

This chapter focuses on one strong state actor, the United States, and its evolving political response to what is now viewed as a prominent and pressing case of wartime sexual violence, the Democratic Republic of the Congo. The US response includes both

political discourse or rhetoric and material commitments. Discourse and rhetoric include Presidential speeches, Executive Orders, Congressional hearings and records, State Department press releases, and speeches by State Department officials. Material commitments include financial and troop or personnel commitments. International political discourse and recognition of wartime sexual violence has led to increasingly effective efforts to prevent sexual violence and support survivors, protect civilians, and prosecute perpetrators. States are essential to the international community's efforts to respond to wartime sexual violence: they are the central targets of transnational advocates, who capitalize on ties to sympathetic states to create change in another state or region;<sup>221</sup> they participate in international organizations and forums and generate resolutions that promote or enforce norms; and, most critically, they have the ability to make financial, material, and personnel commitments to address problems and support solutions. The relationship between the US and the DRC offers an interesting perspective on state condemnation of atrocities for several reasons: the US has not expressed an interest in active military involvement beyond its small contingent of peacekeepers deployed through the UN; the DRC is a valuable ally, rather than an adversary, and condemnation of atrocities committed by an ally has the potential to complicate a delicate political relationship; and the response to sexual violence appears to grow consistently stronger over time despite consistent US involvement with the UN Organization Mission in the Democratic Republic of the Congo (MONUC), the UN Organization Stabilization

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<sup>221</sup> Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press.

Mission in the Democratic Republic of the Congo (MONUSCO), and military training in the Great Lakes region.<sup>222</sup>

The case study presented in this chapter explores variation in the US response to wartime sexual violence in the DRC. States, the UN, and NGOs have frequently cited the use of sexual violence as a weapon of war by most of the combatant forces involved in the conflict in the DRC.<sup>223</sup> In observing shifts in political discourse over time, such as naming and shaming of perpetrators or the use of specific phrases to discuss sexual violence, the case study sheds light on the mechanisms driving a state's response to wartime sexual violence, a relatively novel atrocity on the international agenda.

Data for this case study come from a variety of sources, including electronic archives and databases, US government websites, and semi-structured interviews. The current US Department of State website and the electronic archives for the State Department under George W. Bush and Bill Clinton afford access to press releases, policy documents, and annual Country Reports on Human Rights.<sup>224</sup> ProQuest Congressional research database and search engines such as Govtrack.us provide access to Congressional records, studies, and the complete transcripts of hearings used in this study. The Country Reports on Human Rights (Human Rights Report) provide insight into the types of human rights violations and abuses for which the US State Department has received and recorded reports.<sup>225</sup> These reports indicate whether or not the US

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<sup>222</sup> For troop and financial contribution statistics see the UN's pages on MONUC and MONUSCO see: <http://www.un.org/en/peacekeeping/missions/monuc/facts.shtml> and <http://www.un.org/en/peacekeeping/missions/monusco/facts.shtml>

<sup>223</sup> Human Rights Watch 2002, 23.

<sup>224</sup> State Department website: <http://www.state.gov/> and State Department archives: <http://2001-2009.state.gov/> and <http://www.state.gov/www/ind.html> (1997-2000 only).

<sup>225</sup> The Human Rights Report is available via the following web sites: 1999-2011 <http://www.state.gov/j/drl/rls/hrrpt/>; 1996-1998

government has documented evidence of human rights violations and abuses, as well as the State Department's perception of the credibility of initial reports and the scale of atrocities. I analyzed the Human Rights Reports on Zaire from 1990 through 1996 and on the DRC from 1997 through 2011 to establish a measure of US recognition of sexual violence over twenty-two years. The inclusion of a specific violation or abuse, such as sexual violence, in the Human Rights Report suggests that the US government has knowledge of that atrocity. During the years in which there are few or no reports of wartime sexual violence in the DRC, I would not expect the US to respond to wartime sexual violence in the DRC. The Human Rights Report cites isolated incidents of rape, sexual abuse, and violence against women beginning in 1990, but does not begin to cite rape or sexual violence in the context of armed conflict consistently until the 1997 report.

To assess the extent to which the US government has responded to wartime sexual violence in the DRC, I analyzed Presidential, Congressional, and State Department documents focused on the DRC or on the global issue of wartime sexual violence. I examined the transcripts of Presidential speeches and government officials' remarks at the UN Security Council from 1992 through 2012.<sup>226</sup> In addition, I included Executive Orders issued from 1993 through 2012.<sup>227</sup> I studied Congressional hearings, debates, remarks, bills, and studies from 1996 through 2012. I include engrossed resolutions, resolutions that failed, and remarks as measures of the presence of wartime sexual

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[http://www.state.gov/www/global/human\\_rights/hrp\\_reports\\_mainhp.html](http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html); 1993-1995

[http://dosfan.lib.uic.edu/ERC/democracy/hrp\\_index.html](http://dosfan.lib.uic.edu/ERC/democracy/hrp_index.html); 1990-1992:

<http://archive.org/details/countryreportson1990unit>

<sup>226</sup> For access to Presidential speeches, UNSG speeches, and UNSC speeches see:

<http://library.cqpress.com.proxygw.wrlc.org/historicdocuments/search.php?sort=field%3Aoehisd>  
ocs\_event\_date,a and <http://millercenter.org/president/speeches>; for access to the Bill Clinton papers see: [http://www.presidency.ucsb.edu/bill\\_clinton.php](http://www.presidency.ucsb.edu/bill_clinton.php) (1991-2001).

<sup>227</sup> For the full text of Executive Orders see: <http://www.archives.gov/federal-register/executive-orders/disposition.html>.

violence in Congressional discourse and the success or failure of advocacy within Congress. Given the sustained references to sexual violence in the DRC in the Human Rights Report from 1997 onward, but not before this date, I include State Department speech and press conference transcripts and press releases from 1997 through 2012.<sup>228</sup> These documents provide insight into the government's outwardly focused discussions of the DRC and wartime sexual violence and provide an effective measure of the US response.

#### **4.3. The Development of the US Response to Sexual Violence in the DRC**

The US established diplomatic ties with the DRC (then Zaire) in 1960 after the country's independence from Belgium. Active US diplomatic involvement in the DRC began in the wake of the first Congolese civil war (1996-1997) when the US participated in mediation efforts with the UN, the European Union, and the Organization for African Unity, which resulted in the July 1999 Lusaka Ceasefire Agreement between the DRC and Angola, Namibia, Rwanda, and Zimbabwe.<sup>229</sup> US involvement in the DRC increased in late 1999 with the slow deployment of MONUC, which was mandated to observe the ceasefire and combatant disengagement, as well as to serve as the liaison between the parties to the Lusaka Ceasefire.<sup>230</sup> The UN Security Council replaced MONUC with MONUSCO in July 2010, reflecting changing understandings of the conflict and a need to include civilian protection (including protection from widespread sexual violence) in

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<sup>228</sup> For the Clinton administration archive see: <http://1997-2001.state.gov/>; for the Bush administration archive see: <http://2001-2009.state.gov/p/af/ci/cg/prs/index.htm>.

<sup>229</sup> Séverine Autesserre. 2010. *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding*. New York: Cambridge University Press. 49.

<sup>230</sup> United Nations Security Council. 30 November 1999. Resolution 1279. S/RES/1279.



the mission's mandate.<sup>231</sup> As a minor troop contributor and major financial contributor to both MONUC and MONUSCO, the US has been involved in the DRC fairly consistently since late 1999.<sup>232</sup> Throughout its involvement in the DRC, however, US officials expressed an unwillingness to launch any major US military engagement or humanitarian intervention in the Great Lakes region; instead US policymakers consistently conveyed an interest in supporting UN-led efforts to stabilize the region.<sup>233</sup> Despite consistent involvement in UN operations in the DRC during the period studied, the US response to wartime sexual violence varied over time and did not increase sharply around periods preceding or immediately following the deployment of the small numbers of US personnel attached to UN missions.

Sexual violence has been widespread and systematic during periods of active fighting at the regional, national, and local levels, as well as during the peace and transition processes.<sup>234</sup> While collecting data on sexual atrocities proves to be a difficult endeavor, NGO and government reports indicate that the scale of sexual violence increased dramatically beginning in 2008.<sup>235</sup> Wartime sexual violence has accompanied the conflict-related instability in the DRC to varying degrees throughout the past two decades; its presence has been recorded for as long as the US has been diplomatically and

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<sup>231</sup> United Nations Security Council. 28 May 2010. Resolution 1925. S/RES/1925; United Nations Security Council. 27 June 2012. Resolution 2053. S/RES/2053.

<sup>232</sup> The US was ranked 57<sup>th</sup> among MONUSCO troop contributing countries in December 2012, with a total of 128 troops and police. United Nations Department of Peacekeeping Operations archive: <http://www.un.org/en/peacekeeping/resources/statistics/>

<sup>233</sup> United States Senate. 3 June 1997. "The Challenge in the Congo." Remarks by Lee H. Hamilton. 9851; Clinton, William Jefferson. 17 February 2000. "Remarks to the National Summit on Africa"; United States Department of State. 20 December 2004. "Conflict in DRC." Press Statement.

<sup>234</sup> Human Rights Watch. 2009. *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*. New York: Human Rights Watch. 15.

<sup>235</sup> Human Rights Watch 2009, 15; Human Rights Report 2008-2012.

financially involved in the conflict in the DRC. Nevertheless, US recognition of and response to wartime sexual violence in the DRC has become more consistent and costly in recent years with the popular understanding of sexual violence as a weapon or tactic of war. The adoption of this frame for wartime sexual violence, which was supported by a surge in the scale of sexual violence and accompanying transnational advocacy in 2008, appears to explain US condemnation of wartime sexual violence in the DRC.

*General Patterns in the US Response to Sexual Violence in the DRC*

The State Department's annual Human Rights Report first reported sexual violence by government security forces in Zaire in 1993. A single reference in the report noted: "Undisciplined security forces also continue to beat, rob, rape, and kill citizens in their own homes. Hundreds of such cases occurred during armed forces' looting in January."<sup>236</sup> References to rape by security forces and other combatant groups continued to appear in the Human Rights Report, increasing little by little each year from 1993 through 2003. Figure 1 below illustrates the growing prevalence of references to rape and other forms of sexual violence in the Human Rights Report's from 1990 through 2011:

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<sup>236</sup> Human Rights Report, 1993.

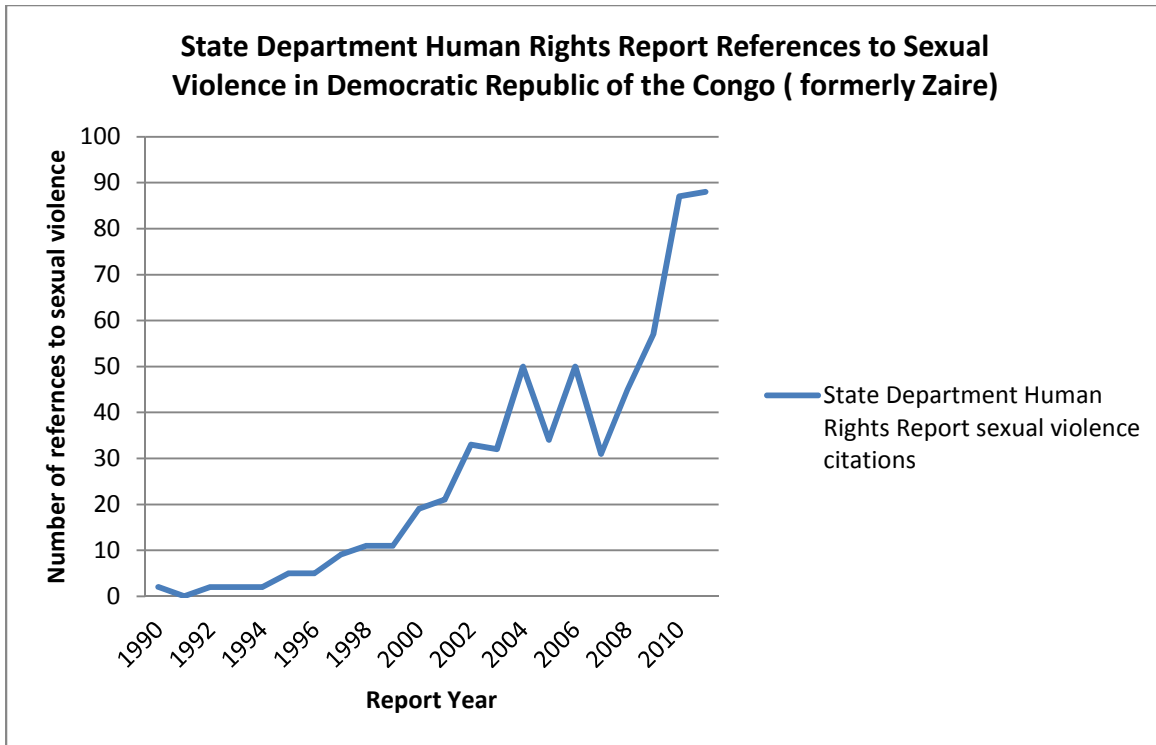


Figure 1: Number of references to rape and other forms of sexual violence in the Human Rights Report, 1990-2011.

The earliest reports referred only to ‘rape’; the term ‘sexual violence’ did not appear in the Human Rights Report on the DRC until 2002. The reference counts used in this study include references to both rape and sexual violence from 1990 through 2011 and provide an indication of the extent to which the US government was aware of the occurrence of sexual violence.

Figure 2, below, demonstrates the relationship between increased awareness of sexual violence in the DRC, as measured by references in the Human Rights Report, and US domestic political discussion of wartime sexual violence in the DRC:

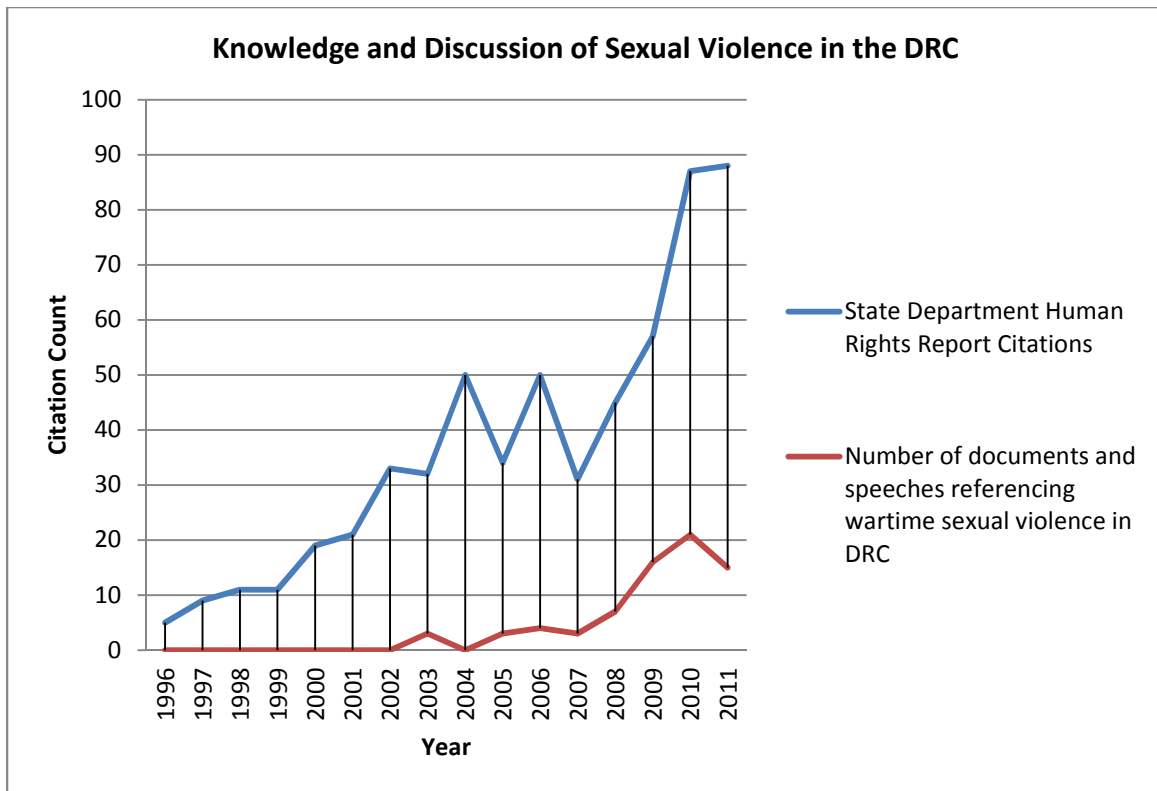


Figure 2: Relationship between knowledge and discussion of sexual violence in the DRC within the US government.

Overall, the increase in awareness of wartime sexual violence in the DRC correlates positively with the number of documents and speeches referencing and condemning wartime sexual violence in the DRC, but only *after* 2003. Prior to 2003 the US government did not make public political references to wartime sexual violence in the DRC outside of the context of the Human Rights Report. The steady increase, beginning in 2008, in both references to wartime sexual violence in the Human Rights Report and the number of documents and speeches condemning wartime sexual violence in the DRC appears to be related to greater focus on wartime sexual violence in the DRC by advocates within domestic and international NGOs and the UN and the increased scale of wartime sexual violence, especially in the Kivu provinces.

How has US recognition of wartime sexual violence in the DRC compared to US discussion of the conflict in the DRC in general? Figure 3, below, depicts the relationship between the level of discussion within the US government of the conflict in the DRC and the subset of that discussion focused on wartime sexual violence in the DRC:

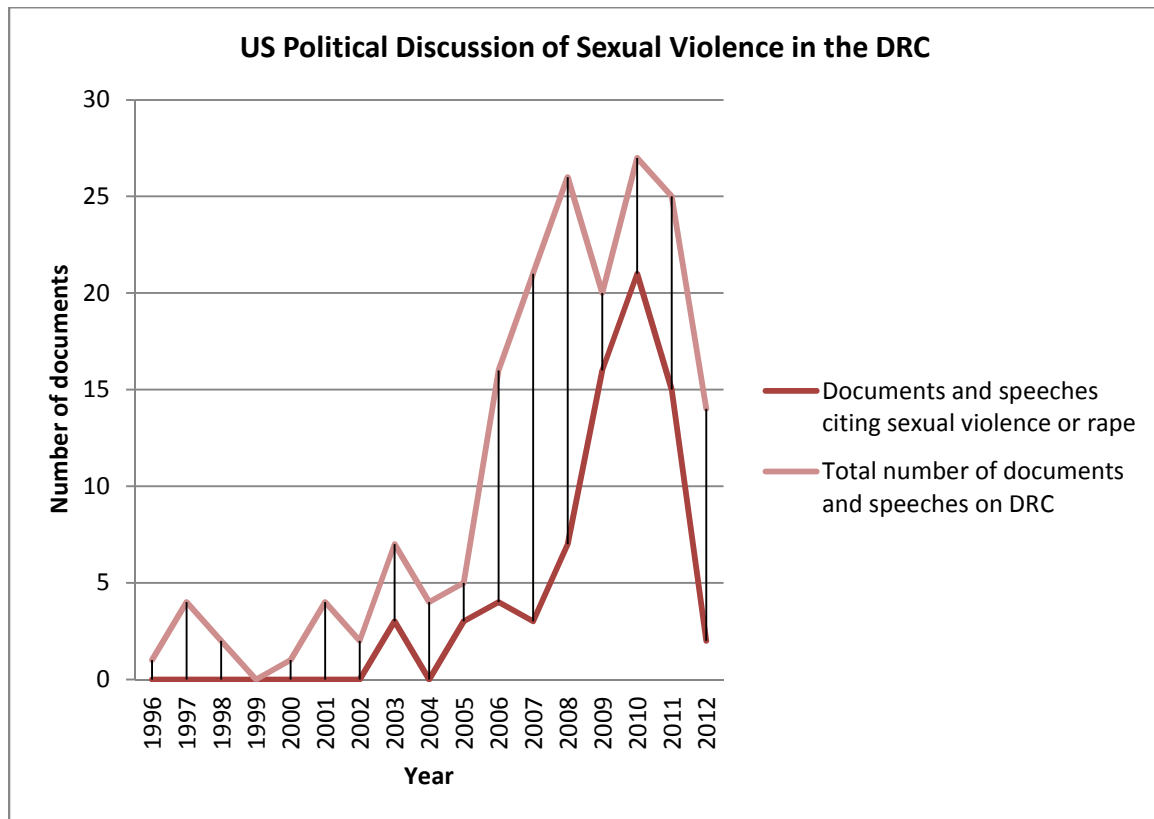


Figure 3: US political discussion of the DRC and wartime sexual violence in the DRC.

As discussed above, US political discourse on the DRC excluded wartime sexual violence prior to 2003, but not for lack of attention to the conflict in the DRC. Although consideration of the conflict in the DRC was comparatively less common from 1996 through 2002 than it was after 2003, the conflict did have a place in Presidential, Congressional, and State Department discourse. Wartime sexual violence in the DRC during the 1996 to 2002 period, however, was a non-issue. From 2003 onward, increased

attention to the DRC in general is positively correlated with recognition of wartime sexual violence in the country, especially after 2008. The sharp decline in both measures after 2011 warrants further study as more documents become available and more time passes; whether or not the decline represents a long-term trend requires further research in the future.

### *Critical Points in the Development of the US Response to Sexual Violence in the DRC*

The US response to wartime sexual violence in the DRC appears to result from increased awareness among domestic political leaders of the scale and effects of wartime sexual violence and the recognition of widespread sexual violence as a weapon of war. Effective framing of the issue by advocates and policymakers with personal ties to the region and personal dedication to ending the use of sexual violence improved the strength and consistency of the US response to sexual violence in the DRC and as a general issue. The four-year lag between initial US involvement in regional mediation efforts and MONUC and the point at which US political discourse began to include condemnation of wartime sexual violence in the DRC suggests that strategic interests cannot sufficiently explain the response to wartime sexual violence in this case. The commitment of financial resources and diplomatic efforts over the long term suggest that the US has begun to institutionalize its response not only to sexual violence in this particular case but as a general issue, which also contradicts the interest-based explanation.

Knowledge of wartime sexual violence alone is also insufficient to explain the US response. Instead, the emergence of the ‘weapon of war’ frame in US political discussions of sexual violence in the DRC shaped the development of the response. Despite reports of rape and other forms of sexual violence from 1993 onward in the

annual Human Rights Report, US government documents and speeches did not include discussion of rape or other forms of sexual violence in the DRC until 2003. House Resolution 239, a resolution on conflict diamonds introduced on 26 June 2003, observed that “rape was used as a weapon of war, a tactic of terror, and an act of revenge against scores of women and girls” in the DRC and Angola.<sup>237</sup> The resolution was referred to committee, where its progress stalled, but it applied the ‘weapon of war’ frame to the situation in the DRC for the first time in US Congressional deliberations. House Resolution 4818, introduced on 13 July 2003, called for \$5 million in programmatic funding for the DRC, Uganda, Burundi, and Liberia to address sexual and gender-based violence; the version that became law appropriated funds more generally for programs addressing sexual and gender-based violence in sub-Saharan Africa, but it, too, utilized the ‘weapon of war’ frame.<sup>238</sup> In the same year, 2003, USAID granted \$500,000 to the International Rescue Committee to fund a program dedicated to helping rape survivors in North and South Kivu.<sup>239</sup> The initial recognition of the use of sexual violence as a tactic of war prompted both rhetorical condemnation and financial commitments to prevention and assistance programs in the DRC and, more generally, sub-Saharan Africa.

#### 2003-2007: Framing Sexual Violence as a Weapon of War

The 2003 Human Rights Report, issued in early 2004, made the Report’s first reference to sexual violence as a weapon of war in the DRC. The frame’s inclusion in the

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<sup>237</sup> United States House of Representatives. 2003. Conflict Diamonds Resolution. 2003 H. Con. Res. 239.

<sup>238</sup> United States House of Representatives. 2003. Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005. 2003 H.R. 4818.

<sup>239</sup> United States Department of State. 29 October 2003. “Implementation of Security Council Resolution 1325 on Women, Peace and Security.” Remarks to UNSC by Ambassador John D. Negroponte.

2003 Human Rights Report or the Congressional resolutions discussed above were not the first uses of this description of sexual violence in the DRC, but these were the first instances in which US public documents employed the frame in a discussion of conflict in the DRC. On 6 December 2000 and again on 21 February 2001 the UN Secretary General condemned the use of “rape as a weapon of war” by combatants in the DRC; US officials were present on both occasions.<sup>240</sup> A Human Rights Watch (HRW) report, released in June 2002, focused on sexual violence against women and girls in eastern DRC and described the use of sexual violence as a weapon of war in the region.<sup>241</sup> The 2003 Human Rights Report cited both the 2002 HRW report and a statement by U.N. Special Rapporteur of the Human Rights Situation in the Democratic Republic of the Congo, M. Iulia Motoc, charging: “armed groups used rape as a tool of war. ...Between October 2002 and February 21, in the Uvira area, a women's association recorded 5,000 cases of rape, corresponding to an average of 40 per day.”<sup>242</sup> The Report also observed: “The use of mass rape and sexual violence as weapons of war intended to destroy the structure of the family has harmed Congolese society. Often rejected by their families or infected by sexually transmissible diseases or HIV, women have nowhere to turn for help. The climate of impunity continues unabated.”<sup>243</sup> NGO advocacy and efforts by UN agencies to address wartime sexual violence began to impact US policy discussions.

Recognition of wartime sexual violence in the DRC (and discussion of wartime sexual violence more generally, both within the US and at the UN) hit a lull until the discovery of UN peacekeepers’ complicity in sexual violence and exploitation in the

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<sup>240</sup> United Nations Secretary General, 6 December 2000; United Nations Secretary General, 21 February 2001.

<sup>241</sup> Human Rights Watch 2002.

<sup>242</sup> 2003 Human Rights Report.

<sup>243</sup> 2003 Human Rights Report.



DRC. During a 2005 US hearing on reforming MONUC to prevent sexual misconduct by peacekeeping forces in the DRC and enhancing mechanisms to prevent and respond to such misconduct by peacekeepers in any operation, members of the US House of Representatives expressed concern that peacekeepers exacerbated wartime atrocities despite their intended role as agents of stability. During the hearing, HRW leveraged its influence as a witness to call on US officials to address but look beyond peacekeepers' misconduct and take meaningful action to stop the more widespread use of sexual violence by combatants in the DRC. The witnesses urged members of the House to recognize that far more women and girls are sexually assaulted by combatants in the DRC than by peacekeepers, and addressing both types of perpetrators and the occurrence of opportunistic sexual violence is essential.<sup>244</sup> The US focus on strategic sexual violence as a weapon of war persisted and official consideration of the broader spectrum of sexual violence remained limited.

The Democratic Republic of the Congo Relief, Security, and Democracy Act of 2006, which was introduced on 10 July 2006 and became law on 22 December 2006, authorized \$52 million for assistance to the DRC for fiscal year 2006. Among the Act's motivations was the interest in "halting the high prevalence of sexual abuse and violence perpetrated against women and children in the [DRC] and mitigating the detrimental effects from acts of this type of violence by undertaking a number of health, education, and financial support measures..."<sup>245</sup> The authorization represented a meaningful financial response to wartime sexual violence in the DRC. The Act took concrete steps

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<sup>244</sup> United States House of Representatives. 1 March 2005. UN Organization Mission in the DRC: A Case for Peacekeeping Reform. 64-65.

<sup>245</sup> United States Senate. 2005. Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005. S. 2125.

toward addressing the issue of wartime sexual violence in the DRC by committing financial resources to assistance programs, rather than simply engaging in rhetorical condemnation. Around the same time, Executive Order 13413, which froze the assets of several key perpetrators in the DRC on October 27, 2006, cited the horrific scale of sexual violence as part of the rationale for the asset freeze. In remarks to the Senate Committee on Foreign Relations Subcommittee on African Affairs on October 24, 2007, Assistant Secretary of State for African Affairs Jendayi Frazer stated that the Bush administration considered the “epidemic of sexual and gender-based violence” to be one of the four critical areas in the US diplomatic approach to the conflict in the DRC.<sup>246</sup>

#### 2008-2012: Strengthening the Response

The most critical period in the development of the US response to wartime sexual violence in the DRC was 2008 through 2009, during which time US policymakers not only focused consistently on wartime sexual violence in the DRC in their domestic political rhetoric but also became more active in the effort to respond to wartime sexual violence at the UN level. On April 1, 2008 the Subcommittee on Human Rights and the Law of the Senate Committee on the Judiciary held a hearing entitled “Rape as a Weapon of War: Accountability for Sexual Violence in Conflict.” The hearing was the first Congressional hearing dedicated solely to examining sexual violence in armed conflict, which Senator Durbin deemed “a sad testament to our failure to take action to stop this horrific human rights abuse.”<sup>247</sup> Despite its presumed focus on sexual violence as a

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<sup>246</sup> United States Senate. 24 October 2007. “Exploring the US role in consolidating peace and democracy in the Great Lakes region.” Remarks by Jendayi Frazer to US Senate Committee on Foreign Relations Subcommittee on African Affairs.

<sup>247</sup> United States Senate. 1 April 2008. Rape as a Weapon of War: Accountability for Sexual Violence in Conflict. 1.

weapon of war in all armed conflicts, the hearing centered on the abuses perpetrated by combatants in the DRC. The DRC had begun to emerge as a highly salient example of sexual violence as a weapon of war. Senators made repeated references to the horrific scale of sexual violence, its use as a weapon of war, and official visits to Goma, during which Senators were personally moved by victims' stories and the efforts by Congolese advocate and physician, Dr. Denis Mukwege, and his staff at Panzi Hospital to attend to the medical needs of rape survivors.<sup>248</sup> Apparently moved by their personal connections to the horror in the DRC, as well as the presence of the influential Dr. Mukwege at the hearing, the Senators emphasized a need to respond to sexual violence in the DRC in particular: "We have spoken of many countries where this use of rape as a tactic of war has been prevalent. We focused on the...Democratic Republic of Congo, and not to take anything away from the tragedy and genocide of Darfur, I hope that today's hearing will encourage people to look more closely at the sad, tragic situation in Democratic Republic of Congo."<sup>249</sup> Senators asserted that the "use of rape as a weapon of war is at its worst in the Democratic Republic of Congo."<sup>250</sup> The graphic discussion of sexual violence as a weapon of war in the DRC during this Congressional hearing both galvanized US support for assistance to survivors of wartime sexual violence in the DRC and helped to inspire US leadership on UN Security Council Resolution 1820 (Resolution 1820) two months later.

The US delegation to the UN Security Council used its Council presidency to hold an open debate on wartime sexual violence, which led to the adoption of Resolution

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<sup>248</sup> United States Senate, 1 April 2008, 3.

<sup>249</sup> United States Senate, 1 April 2008, 20.

<sup>250</sup> United States Senate, 1 April 2008, 2.

1820 on June 19, 2008.<sup>251</sup> As Chapter 5 will discuss in greater depth, US leadership on this issue, under Secretary Rice and Ambassador Zalmay Khalilzad, was driven largely by personal appeals and extensive pressure from advocacy groups to address wartime sexual violence *as a weapon of war*, especially in the DRC.<sup>252</sup> Civil society advocates, including a group of UN Security Council spouses led by Khalilzad’s wife, and United Nations personnel lobbied national delegations to the Security Council through the use of the documentary “The Greatest Silence”, victims’ accounts, personal appeals, and—most importantly—a strategic narrowing of the scope of sexual violence to include only sexual violence as a weapon of war over the course of several months in 2008.<sup>253</sup> Resolution 1820 solidified the ‘weapon of war’ frame at the international level and called for immediate cessation of the use of sexual violence as a tactic of war. At the time, there were no imminent national security concerns that required the US to use its Security Council presidency for national security or strategic concerns, which suggests that the centrality of the issue of wartime sexual violence could have been limited if direct national security concerns had been at stake.<sup>254</sup> This also suggests that wartime sexual violence, in the DRC and elsewhere, was not a strategic concern for the US and was therefore not driven by strategic, interest-based mechanisms.

On May 13, 2009 a Senate Committee on Foreign Relations hearing, “Confronting Rape and Other Forms of Violence Against Women in Conflict Zones,

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<sup>251</sup> United Nations Security Council. 19 June 2008. Resolution 1820. S/RES/1820.

<sup>252</sup> United Nations Security Council. 19 June 2008. 5916<sup>th</sup> meeting. S/PV.5916.

<sup>253</sup> Interview with UN Women official, Washington, DC, 25 February 2013; interview with UN Women official, New York, 18 June 2012; Donald Steinberg. “An Agenda for Action” in Kathleen Kuehnast, Chantal de Jonge Oudraat, and Helga Hernes, Eds. 2011. *Women and War: Power and Protection in the 21<sup>st</sup> Century*. Washington, DC: United States Institute of Peace Press. 128.

<sup>254</sup> Interview with State Department official, Washington, DC, 13 August 2012.

Spotlight: DRC and Sudan” focused on the issue of sexual violence as a weapon of war. As one Senator observed: "Rape and other forms of gender-based violence are *not just outgrowths of war and its brutality, they can also be weapons of war.*"<sup>255</sup> This particular description of ‘rape and other forms of gender-based violence’ reflects an understanding that sexual violence as a weapon of war is not an inevitable by-product of war but a phenomenon to be condemned and prevented. The hearing also recalled Resolution 1820’s focus on sexual violence as a weapon: "U.N. Security Council last year passed Resolution 1820, which condemns the use of rape and other forms of sexual violence in conflict situations and states that rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide."<sup>256</sup> At this point, politicians began to reiterate the language used by HRW reports, witness testimonies from prior Congressional hearings, and UN discussions; politicians started to discuss wartime sexual violence in the DRC as an intentional tactic of war, rather than a regrettable consequence of a chaotic situation. Adopting the ‘weapon of war’ frame facilitated more concrete responses and efforts to address and punish such atrocities, both in the DRC and elsewhere.

In August 2009 Secretary Hillary Clinton and Ambassador-at-Large for Global Women’s Issues Melanne Verveer visited the DRC and held a roundtable discussion with NGOs and activists working to address sexual and gender-based violence and announced that the US would commit \$17 million to efforts to prevent, respond to, and assist

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<sup>255</sup> Emphasis added. Senate hearing, 13 May 2009: 2.

<sup>256</sup> United States Senate. 13 May 2009. Confronting Rape and Other Forms of Violence Against Women in Conflict Zones, Spotlight: DRC and Sudan. 2.

survivors of sexual and gender-based violence in the DRC.<sup>257</sup> In her remarks, Clinton cited the US government's commitment to condemning *systematic rape*. Secretary Clinton recalled this visit to Goma when she introduced UN Security Council Resolution 1888 (Resolution 1888) on September 30, 2009. Resolution 1888 established the position of Special Representative to the Secretary General for Sexual Violence in Armed Conflict, a human commitment to addressing sexual violence at the UN level.<sup>258</sup> The adoption of Resolution 1888 and the creation of the new Special Representative ensured that the UN and its member states would begin to monitor and more effectively respond to wartime sexual violence used as a weapon. It also reaffirmed the US Government's commitment to addressing wartime sexual violence in the DRC and demonstrated the centrality of the conflict in the DRC to US and international efforts to respond to wartime sexual violence. The justification for the resolution drew on statistics from the conflict in the DRC: "In the Democratic Republic of Congo approximately 1,100 rapes are being reported each month, with an average of 36 women and girls raped every day. In addition to these rapes and gang rapes, of which there have been hundreds of thousands over the duration of the conflict, the perpetrators frequently mutilate the women in the course of the attacks."<sup>259</sup> The DRC had become an analogue for sexual violence used as a weapon of war, like the former Yugoslavia and Rwanda, against which concurrent and future

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<sup>257</sup> United States Department of State. 11 August 2009. "Roundtable with NGOs and activists on sexual and gender-based violence issues." Remarks by Secretary Hillary Clinton.

<sup>258</sup> United Nations Security Council. 30 September 2009. Resolution 1888. S/RES/1888.

<sup>259</sup> United States Department of State. 30 September 2009. "Remarks on the Adoption of a United Nations Security Council Resolution to Combat Sexual Violence in Armed Conflict." Remarks to UNSC by Secretary Hillary Clinton; United States Department of State. 30 September 2009. Fact Sheet: United Nations Security Council to Adopt Resolution to Protect Women in Conflict Situations.

cases of wartime sexual violence would be compared and through which the ‘weapon of war’ frame would gain strength.

The political momentum that had grown from 2008 onward ensured the inclusion of wartime sexual violence in much of the discussion surrounding US efforts in the DRC. Congressional Research Service reports in June 2010, November 2010, and February 2011 all focused on the issue of sexual violence in African conflicts, and each focused in large part on the DRC, representing continued active recognition within the US Government of wartime sexual violence in the DRC and elsewhere.<sup>260</sup> The House Committee on Foreign Affairs held a hearing, “The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy”, on March 8, 2011 to address the protracted conflict. Although this hearing was dedicated to consideration of all aspects of the conflict a significant portion of the testimony centered on sexual violence—particularly systematic sexual violence and its use as a weapon.<sup>261</sup> Assistant Secretary of State for African Affairs Johnnie Carson testified before Congress on the necessity of ending sexual and gender-based violence in the DRC during a hearing on the election outcome and governance in the DRC.<sup>262</sup> The occurrence of systematic sexual violence and its use as a weapon of war *in the DRC* dominated much of the US political discourse on the issue of wartime sexual violence in general during this time period despite awareness of its use in other active and recent armed conflicts. This focus on the DRC supports the

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<sup>260</sup> Alexis Arieff. 10 June 2010. *Sexual Violence in African Conflicts*. Washington, DC: Congressional Research Service; Alexis Arieff. 30 November 2010. *Sexual Violence in African Conflicts*. Washington, DC: Congressional Research Service; Alexis Arieff. 23 February 2011. *Sexual Violence in African Conflicts*. Washington, DC: Congressional Research Service.

<sup>261</sup> United States House of Representatives. 8 March 2011. The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy.

<sup>262</sup> United States Department of State. 15 December 2011. Election Outcome and Governance in the DRC. Testimony before Congress by Johnnie Carson.

claim that conflicts in which sexual violence appears to be used as a weapon of war are most likely to gain attention and evoke responses from states and international organizations.

#### **4.4. Conclusion: The Centrality of the ‘Weapon of War’ Frame**

Policymakers’ emphasis on the use of sexual violence as a weapon of war in the DRC suggests that this particular way of framing wartime sexual violence triggers more frequent condemnation and material and human commitments. A total of 61 documents and speeches addressed wartime sexual violence in the DRC from 2008 through 2012. In the previous five-year period, from 2003 through 2007, just 13 documents and speeches addressed the issue; before 2003, none of the documents and speeches analyzed in this study referenced wartime sexual violence in the DRC. Although the number of documents referencing any one policy issue is not a perfect measure of the issue’s salience, it is demonstrative of the issue’s increased prominence in political discussion. More importantly, the increase in material (financial) and human commitments tied to the surge in references to sexual violence as a weapon of war in the DRC serves as a reliable indicator of the US government’s growing commitment to addressing the issue and increased reliance on the ‘weapon of war’ frame to make sense of whether and when to respond to cases of wartime sexual violence.

Awareness and recognition of wartime sexual violence in the DRC increased in the period studied, especially after US officials began to discuss wartime sexual violence in terms of sexual violence as a tactic of war. The US response to wartime sexual violence in the DRC indicates that policymakers began to understand the gravity of the issue and responded to it more consistently and with greater strength once advocates



successfully framed sexual violence as a weapon. Rather than serving an immediate strategic aim and then vanishing from political discourse, condemnation of wartime sexual violence in the DRC persisted over a decade and grew stronger when discussed in terms of sexual violence as a ‘weapon of war.’

Discussing the issue of human rights norms in general, Mertus argues that such norms have shaped the US presidency, military, and activist community, but that American exceptionalism prevents these norms from achieving full institutionalization within the US government. Instead, US political actors view human rights norms as constraints on the behavior of others; nevertheless, civil society has an impact on presidential administrations and the military (and—I would add—the State Department, Congress, and other large bureaucracies) and human rights norms represent available ideas that policymakers can reference.<sup>263</sup> In the end, the US government recognizes human rights norms and has made some progress toward institutionalizing them, but not to the extent that they are taken for granted and fully internalized.<sup>264</sup> This conceptual middle ground applies to US recognition of wartime sexual violence in cases other than the DRC, cases in which the response to wartime sexual violence has been minimal, only rhetorical, or non-existent. In these cases the government has not fully accepted the image of sexual violence as a weapon and the response is therefore muted or entirely absent. Policymakers have clearly identified that wartime sexual violence—especially when used as a weapon of war—is a problem that merits attention, but it is unclear that the US government will respond to wartime sexual violence if doing so directly clashes

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<sup>263</sup> Julie A. Mertus. 2008. *Bait and Switch: Human Rights and U.S. Foreign Policy*, 2<sup>nd</sup> edition. New York: Routledge. 17.

<sup>264</sup> Mertus 2008, 17.

with US interests or if it is unclear that sexual violence is being used strategically in a given conflict.

Attempts by the US to address wartime sexual violence in the DRC suggest that seeking political cover for belligerent policies or interest in building support for military intervention does not provide a sufficient explanation for the policymakers' response. Although the US committed a small number of troops (mainly in military training and advising positions) to MONUC, MONUSCO, and the effort to weaken the Lord's Resistance Army in the Great Lakes region, policymakers expressed a strong preference for supporting the DRC's stability and governance through diplomatic and financial commitments rather than military engagement. The DRC is more ally than adversary, so the US government should not, in theory, have an interest in vilifying the DRC security forces and pro-government militia groups; this interest logically extends to calling attention to sexual violence in the DRC in general, as such condemnation is embarrassing to the fledgling government. Additionally, the effort to condemn wartime sexual violence in the DRC began after the US was already engaged in MONUC, which suggests that recognition of wartime sexual violence was not motivated by an interest in building rationale for troop commitments. The US response to wartime sexual violence in the DRC demonstrates that states will respond to this type of atrocity even when doing so does not serve strategic interests.

The case study of the US response to wartime sexual violence in the DRC suggests that policymakers will not condemn wartime sexual violence only when the US has made or is about to make the decision to deploy a military intervention or when other national interests would be well served by a response to sexual violence. Nevertheless,

sexual violence can certainly be added to the list of grievances against an existing adversary already targeted for military engagement even if the US has developed a legitimate concern for the issue. One need only look to the Presidential rhetoric preceding the invasions of Afghanistan and Iraq for examples of the effectiveness of condemning an adversary's prevalent acts of violence against women and use of rape as a tool of political suppression. The strategic employment of rhetoric condemning sexual violence is still a viable political tool despite an increasingly earnest commitment to stamping out wartime sexual violence.

Conversely, emphasis on the importance of proving that sexual violence is used as a tactic of war to justify a strong political response can also lead to frame manipulation; if a state is hesitant to intervene in a conflict or commit diplomatic or financial support, policymakers can simply argue that there is no evidence that sexual violence is a tactic of war in that conflict. In that case, widespread sexual violence is simply declared an unfortunate and complex by-product of war and the result of opportunism by armed forces that the international community is politically unequipped to deal with at this time. Reluctance to respond to wartime sexual violence in both Libya and Syria—until the United Kingdom began to address sexual violence in the latter conflict in 2012—is suggestive of the power and limitations of the ‘weapon of war’ frame, both within US political discourse and at the international level. States, the UN, and even NGOs were hesitant to recognize wartime sexual violence in both conflicts, citing limited evidence that sexual violence was being used as a *weapon of war*.<sup>265</sup> Gathering evidence to prove that sexual violence is used as a weapon requires a great deal of information on

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<sup>265</sup> Interview with USAID official, Washington, DC, 5 September 2012; interview with legal scholar, New York, 18 June 2012.

combatants' intentions, which are often unclear in the midst of the conflict and may not become obvious until post-conflict interviews or tribunals, as well as access to civilians who are willing to share their experiences. Such evidence and access can be extraordinarily difficult in a conflict environment that is hostile to journalists, humanitarian workers, UN officials, or state representatives trying to understand the nature of sexual violence. The reliance on the 'weapon of war' frame as the basis for political and legal action suggests that there will be high levels of variation in the response to individual conflicts, especially when data on the motives underlying sexual violence are unavailable or unclear.

The US response to wartime sexual violence in the DRC demonstrates that strategic aims cannot satisfactorily explain longitudinal changes in recognition of wartime sexual violence. Instead, the emergence of an understanding of sexual violence as a weapon or tactic of war has allowed state actors to respond to wartime sexual violence as a security issue. US policymakers consistently cite sexual violence in the DRC as an example of the need to develop stronger mechanisms to prevent and respond to wartime sexual violence, given the horrific scale and systematic nature of sexual violence in the Great Lakes region. In viewing sexual violence as a weapon of war, policymakers have begun to approach the issue with greater urgency; however, this weapon imagery requires evidence of strategic intent and widespread, systematic use of sexual violence before states will act in response.

## Chapter 5

### The Adoption of Resolution 1820 and the Emergence of PSVI

“As many here are aware, for years there has been a debate about whether or not sexual violence against women is a security issue for this forum to address. I am proud that today we can respond to that lingering question with a resounding ‘yes’. This world body now acknowledges that sexual violence in conflict zones is, indeed, a security concern.”<sup>266</sup>

“Now that we have put war zone rape on the international agenda, it must never slip off it again and must be given even greater prominence.”<sup>267</sup>

On June 19, 2008 each member of the United Nations Security Council rose to speak about his or her government’s condemnation of wartime sexual violence and the threat that this particular weapon of war poses, not only to the civilian women and girls who comprise the majority of victims, but also to international peace, security, and stability. The fact that every member of the Security Council would one day rise to speak in support of a resolution explicitly condemning sexual violence would have been difficult to predict just a few years prior; in fact, it would have been unthinkable only a few *months* before the Security Council’s 5916<sup>th</sup> meeting. The concept of a resolution condemning sexual violence faced opposition from Security Council members who raised concerns ranging from the perception that sexual violence is a women’s rights issue and thus not within the Council’s mandate, that acting on the issue would intrude on the General Assembly’s mandate, and that adding sexual violence to its agenda would draw the Council into discussions of some members’ own ties to conflict-related sexual

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<sup>266</sup> United Nations Security Council. 2008b. “5916<sup>th</sup> meeting.” S/PV.5916.

United Nations Security Council. 2008a. “Resolution 1820 (2008).” S/Res/1820 (2008).

<sup>267</sup> William Hague. Quoted in “Historic G8 agreement to tackle rape in war zones.” 11 April 2013. *Evening Standard*. 1.

violence.<sup>268</sup> The unanimous adoption of Security Council Resolution 1820 (Resolution 1820) was the result of advocates' skillful and deliberate efforts to frame wartime sexual violence as a weapon of war and therefore an issue of international peace and security. Resolution 1820 is the fourth critical point in the development of the international response to wartime sexual violence and it represents the turning point after which states and security-minded organizations began to refer consistently to wartime sexual violence as a weapon of war and a security issue.

On May 29, 2012 British Foreign Secretary William Hague announced the launch of his Government's initiative on preventing sexual violence in conflict (PSVI). Hague cited the use of sexual violence as a weapon of war in Srebrenica and Darfur and referenced "chilling reports" of rape in Syria.<sup>269</sup> In his first of many speeches that would relay a deep personal connection to the issue and his eagerness to eradicate the use of sexual violence in war, Hague declared: "I am appalled by the scale of sexual violence against women, men and children in situations of conflict and repression - ranging from opportunistic acts of brutality to deliberate torture and systematic campaigns of ethnic cleansing."<sup>270</sup> Throughout the following year the British Government established a seventy-member Government-funded and readily deployable Team of Experts, committed roughly £1.4 million to United Nations agencies dedicated to tackling sexual violence, committed (with the United States and Japan) £23 million to Group of Eight

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<sup>268</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

Group interview with UN staff members. Telephone. 31 May 2013.

<sup>269</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

<https://www.gov.uk/government/speeches/foreign-secretary-launches-new-government-initiative-to-prevent-sexual-violence-in-conflict>

<sup>270</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

(G8) efforts to end impunity, and capitalized on its positions of political leadership and influence in the G8 and the UN Security Council to prompt international legal agreements and additional funding from other strong states. The latest of the five critical junctures examined in this study, the launch of PSVI demonstrates the shift toward clear and long-term material, institutional, and human commitments in response to wartime sexual violence as a general issue.

The study of the processes leading to the unanimous adoption of United Nations Security Council Resolution 1820 and the transition of PSVI from a national to an international effort uncovers the political dynamics at work in the shifting international discourse on wartime sexual violence—particularly issue framing. As previous chapters have demonstrated, wartime sexual violence has transitioned from a women’s human rights issue to a security issue through the use of the ‘weapon of war’ frame for sexual violence. By discussing sexual violence as a weapon or tactic of war, citing well-known conflicts involving systematic sexual violence used as a weapon, and leveraging opportunities for political influence, activists were able to persuade state leaders, diplomats, and the United Nations (UN) bureaucracy that the issue is a matter of international peace and security and therefore deserves attention and action from the Security Council and other powerful state-led and security-minded organizations.

Resolution 1820 refocused the international community’s approach to wartime sexual violence as a political issue and gave rise to subsequent commitments to recognize, prevent, and mitigate its use as a weapon. The resolution’s rocky start, however, demonstrates that persuading security-minded international actors to prioritize the issue of sexual violence was no easy task. Studying this critical juncture is

particularly useful because Resolution 1820 is an example of both a failed attempt and a successful attempt to respond to wartime sexual violence. The launch and internationalization of PSVI demonstrates the power of a dedicated norm entrepreneur and the appropriate use of political leverage as well as the effectiveness of salient analogies to support the ‘weapon of war’ frame. Resolution 1820 and PSVI bolster the claim that highlighting historical precedent and making use of power politics are helpful strategies for securing and diffusing a frame; issue framing is not only a useful tool for influencing the trajectory of international discourse, but (1) it also has consequences for state and organizational *action* in response to the issue and (2) the presence or absence of strong state support and resemblance to past salient events affects the success of a frame.

The chapter proceeds as follows. The next section, section 5.1, provides a brief overview of international recognition of wartime sexual violence through 2008. Section 5.2 turns to Resolution 1820 and analyzes the political processes leading to its adoption in 2008. Section 5.3 examines the launch and internationalization of PSVI during the initiatives first year, from May 2012 through June 2013. Section 5.4 offers concluding thoughts and introduces the implications of framing wartime sexual violence as a weapon that Chapter 6 will explore in depth.

### **5.1. Sexual Violence as an International Issue: Setting the Stage for Resolution 1820 and the PSVI**

Despite the prevalence of sexual violence in earlier wars, the international community truly began to recognize and condemn sexual violence in the wake of the bloody civil wars of the 1990s. The atrocities in Rwanda and the former Yugoslavia gave women’s human rights advocacy networks a strategic opportunity through which they



could convincingly articulate their cause to the international community. The wars were widely publicized and media accounts described the systematic abuse, humiliation, and terror inflicted upon civilians. An estimated 50,000 to 64,000 women and girls experienced sexual violence in Bosnia as part of an ethnic cleansing campaign.<sup>271</sup> In Rwanda, an estimated 250,000 to 500,000 women and girls were raped and mutilated;<sup>272</sup> militia groups systematically targeted victims for humiliation and torture.<sup>273</sup> Attacks during these two genocidal conflicts outraged the international community as the brutality was perceived as unprecedented.<sup>274</sup> As a result of growing international attention to these conflicts and the increasing power of the women's human rights transnational movement and its focus on ending violence against women, sexual violence as a violation of women's human rights and physical security became a topic of focus during the Second World Conference on Human Rights in 1993 and the UN Conference on Women in Beijing in 1995.<sup>275</sup> That same year, the United Nations Human Rights Council created a Special Rapporteur on violence against women, thereby increasing the level of international monitoring of violence against women within and outside of armed conflict.<sup>276</sup> The atrocities committed in the former Yugoslavia— particularly in Bosnia— and Rwanda resonated with and profoundly troubled individuals working in state agencies and international organizations, creating opportunities for cooperation between

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<sup>271</sup> Inger Skjelsbæk. 2010. 'The Elephant in the Room: An Overview of How Sexual Violence came to be Seen as a Weapon of War', Report to the Norwegian Ministry of Foreign Affairs, Peace Research Institute Oslo. 17.

<sup>272</sup> Miranda Alison. 2007. "Wartime sexual violence: women's human rights and questions of masculinity." *Review of International Studies* 33: 87.

<sup>273</sup> Patricia A. Weitsman. 2008. "The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda." *Human Rights Quarterly* 30: 573.

<sup>274</sup> Alison 2007, 82.

<sup>275</sup> Margaret E. Keck and Kathryn Sikkink. 1998. *Activists Beyond Borders*. Ithaca, NY: Cornell University Press. 166.

<sup>276</sup> Alison 2007, 83.

transnational advocates and the leaders of national governments and international organizations.

The fortuitous ‘confluence of events’ in the mid-1990s generated international interest in the issue of sexual violence and, more broadly, violence against women. Legal scholar Kelly Dawn Askin emphasized the historical significance of these events during a symposium on sexual violence in war in Washington, DC in February 2013:

In the early 1990s, after five decades of impunity for mass atrocities committed around the world, a confluence of events generated renewed interest in holding international war crimes trials and in ensuring that gender crimes were taken seriously. There were many firsts that happened at the same time. A war was raging in the former Yugoslavia and experts and journalists reported on horrific crimes, including rape camps. ...Atrocities were again happening on European soil, despite promises of ‘never again’ after the Holocaust.<sup>277</sup>

As a result of this confluence of events and advocacy, the international tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR) prosecuted rape as a war crime, a crime against humanity, and an act of genocide, setting precedents which previous international tribunals had been unwilling or unable to accomplish.

Recalling the atrocities in the former Yugoslavia and Rwanda and as a result of continued transnational advocacy, UN Security Council Resolution 1325 (Resolution 1325) was adopted on 31 October 2000. Resolution 1325 was the Security Council’s first attempt to address the broad spectrum of challenges facing women in war, peacebuilding, and post-conflict reconstruction, including sexual violence against women and girls in conflict zones. The resolution was not only a landmark achievement because of its explicit recognition of women’s suffering in war; the resolution’s emphasis on women’s agency and capacity to create positive change transformed the image of women from beings to be protected (by men) to autonomous agents with a valuable role to play in

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<sup>277</sup> Remarks to Missing Peace Symposium. Washington, DC. 14 February 2013.

policymaking and peacebuilding at the national and international levels. Resolution 1325's focus on women as agents stemmed from the tremendous transnational civil society influence on its development and adoption. Building on the momentum gained during the mid-1990s, advocates worked to ensure that Resolution 1325 portrayed sexual violence as a women's human rights issue, an obstacle hindering their full participation in decision-making and leadership roles.

Despite these momentous legal and political strides, international political recognition of wartime sexual violence as a problem remained weak and inconsistent through the better part of the next decade. Eight years passed between the passage of Resolution 1325 and the Security Council's next strong attempt to condemn wartime sexual violence. When it did revisit the issue of wartime sexual violence, the international assembly trained its focus on sexual violence as a tactic of war and shifted the international discourse on sexual violence from an issue of women's human rights or women's security to a weapon of war and therefore an issue of international security. In the months before Resolution 1820's adoption, advocates engaged in intense lobbying efforts that focused on the need to condemn sexual violence as a weapon of war, capitalized on opportunities for influence in the Security Council, and channeled policymakers' horror at the news of widespread sexual violence in the Democratic Republic of Congo (DRC).

Resolution 1820 highlighted the use of sexual violence as a weapon or tactic of war in modern armed conflict, called on perpetrators to cease their use of sexual violence against civilians, and charged the UN Secretary General with the responsibility of monitoring the occurrence of sexual violence in conflicts on the Security Council's

agenda. By recognizing sexual violence as a weapon or tactic of war and adopting a resolution calling for its end, the Security Council adopted the ‘weapon of war’ frame for sexual violence and, in so doing, situated wartime sexual violence firmly within the range of international security issues. Subsequent Security Council resolutions (1888, 1960, and 2106) added specific monitoring, reporting, and shaming mechanisms to the UN’s permissible responses to wartime sexual violence used as a tactic of war.

In May 2012 the Government of the United Kingdom announced its national initiative to prevent sexual violence in conflict situations, which aimed not to duplicate the UN’s work or the work of humanitarian and human rights organizations but to provide funding and deploy personnel to address sexual violence in conflict and post-conflict zones and improve prosecution rates in an effort to end impunity. The two cases discussed in this chapter, Resolution 1820 and PSVI, demonstrate that the international community’s political response to wartime sexual violence has evolved from inconsistent recognition of sexual atrocities to a more focused, institutionalized effort to address sexual violence used as a weapon of war.

## **5.2. The Broken Road to Resolution 1820**

United States (US) Ambassador Prudence Bushnell summed up the logic of framing sexual violence as a ‘weapon of war’ quite simply: “When sexual violence is used as a weapon of war, like using any other weapon, it gets attention.”<sup>278</sup> The ‘weapon of war’ frame has allowed policymakers and advocates to establish wartime sexual violence as an international security issue, which has been crucial for increasing

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<sup>278</sup> Interview with Prudence Bushnell. Fairfax, VA. 25 March 2013.

international recognition in general and which was essential in ensuring Resolution 1820's adoption.

When sexual violence is used as a weapon it is designed to “intimidate, degrade, humiliate, and torture the enemy” as an aspect of wartime strategy.<sup>279</sup> The rationale behind and effectiveness of sexual violence as a weapon or tactic of war stem from gender norms and the power relationships inextricably tied to them.<sup>280</sup> Subtle differences in the use of sexual violence as a weapon exist across conflicts despite cross-cultural similarities in gender norms in war. Patricia Weitsman, in her discussion of genocidal rape, argues that the motivations driving (a) mass rape campaigns, ethnic cleansing through forced maternity and the propagation of the perpetrators’ race versus (b) ethnic cleansing through forced migration, ought to be viewed as distinct lest scholars and practitioners risk perpetuating the perpetrators’ notions of gender and ethnicity.<sup>281</sup> Unlike the perpetrators of genocide in the former Yugoslavia, for example, the perpetrators of the genocide in Rwanda used sexual violence as a weapon to kill rather than to procreate for the purposes of ethnic cleansing.<sup>282</sup> Sexual violence may also be used as a reward for combatants, as a tool to motivate them to take up arms in pursuit of sexual encounters with formerly off-limits women and to engage in behaviors that social norms in peacetime would proscribe;<sup>283</sup> this particular use of sexual violence by armed groups resonates with historical understandings of sexual violence as one of the ‘spoils of war’

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<sup>279</sup> Weitsman 2008, 563.

<sup>280</sup> See, for example, Meger’s discussion of sexual violence in the DRC. 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.

<sup>281</sup> Weitsman 2008, 565.

<sup>282</sup> Doris E. Buss. 2009. “Rethinking ‘Rape as a Weapon of War’.” *Feminist Legal Studies* 17: 150.

<sup>283</sup> Weitsman 2008, 573.

or a reward for the conquering army. The differences in the deployment of sexual violence as a weapon underscore the complexity not only of wartime sexual violence in general but of the use of sexual violence as a weapon in particular.

When advocates and policymakers view sexual violence in a particular armed conflict as having the characteristics of a weapon or tactic of war, they are more likely to respond to and condemn sexual violence in that case. The central explanation predicts that the discussion of wartime sexual violence in terms of a weapon of war will allow advocates and policymakers to elicit stronger and more consistent responses from states and international organizations. The emergence of the security or weapon frame for sexual violence, then, explains the overall increase in the international response to the issue over time. Conversely, when advocates and policymakers do not find evidence that sexual violence is used as a weapon, or if they feel that available evidence is unreliable, the response will be delayed or will not occur at all. The *perception* that sexual violence is used as a weapon is as important in generating international condemnation as the actual use of sexual violence in a systematic way. Evidence from the case study of Resolution 1820 supports the dissertation's central explanation, that discussion of wartime sexual violence as a weapon or tactic of war led to increased support from the international community, in this particular case from strong states and the UN Security Council.

#### *Political Mechanisms at Work in the Adoption of Resolution 1820*

Discussion of wartime sexual violence among activists and policymakers in terms of a weapon of war or military strategy has led to increased responses from states and the United Nations in recent years. Advocates' use of the 'weapon of war' frame in the months leading up to the discussion of Resolution 1820 limited the broad and complex

concept of sexual violence to a narrower concept of wartime sexual violence used systematically by combatants against civilians. The simplified view of sexual violence enabled states to support passage of the resolution by allaying any fears that the issue was too broad or too politically costly for Security Council members to address. Sexual violence as a weapon of war is less a ‘women’s issue’, a ‘gender issue’, or a ‘human rights issue’ than it is a discussion of wartime strategy and atrocities, even if the realities of sexual violence and the structural forces contributing to its prevalence are the same across each of these potential frames.

As discussed throughout the dissertation, the ‘weapon of war’ frame relies on three facilitative political conditions. The first condition identifies the importance of the nature of armed conflicts linked to the ‘weapon of war’ frame: when characteristics of a given conflict have gained international attention, those same characteristics have galvanized an international response to successive conflicts. Conflicts chosen to represent the ‘weapon of war’ frame must be characterized by similar use and occurrence of sexual violence, or advocates must at least be able to portray the types of sexual violence as similar in nature. Decision-makers learn from history and reason that if conflicts are similar in one aspect, they may be similar in nature and require similar responses.<sup>284</sup> Given the salience of the conflicts in the former Yugoslavia and Rwanda and the role of these wars in placing wartime sexual violence on the international agenda in the mid-1990s, comparisons of sexual violence in armed conflict to the systematic use of sexual violence in the former Yugoslavia and Rwanda have proven to be effective; more recent efforts to address wartime sexual violence have highlighted the atrocities in the

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<sup>284</sup> Yuen Foong Khong. 1992. *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1995*. Princeton: Princeton University Press. 7.

Democratic Republic of the Congo (DRC). Advocates who lobbied Security Council members in support of what would become Resolution 1820 emphasized the systematic and tactical nature of sexual violence in the DRC and the similarities in scale between sexual violence in the DRC and sexual violence in the Rwandan genocide. The historical, political, ethnic, and geographical ties between the two conflicts made this analogy very strong. Sexual violence in the DRC became the focus of discussions on a potential Security Council resolution condemning sexual violence as a weapon of war. Advocates made use of the heavy media coverage of widespread sexual violence in the DRC, arranged viewings of the documentary entitled “The Greatest Silence” for Council members and staff, and held events with activists visiting New York from the DRC to raise awareness of the situation.

The second condition draws on the historical context during which the issue of wartime sexual violence emerged in the mid-1990s. In order for a new idea or emerging norm to have an impact on the international community it must resonate with existing norms or beliefs; such is the case with sexual violence as a weapon of war.<sup>285</sup> Mobilization around the issue of women’s human rights in the mid-1990s increased the response to wartime sexual violence from states and IOs. The atrocities committed in the former Yugoslavia and Rwanda coincided with the 1993 Second World Conference on Human Rights in Vienna and the UN Conference on Women in Beijing in 1995, during which women’s human rights and security were issues of primary concern and survivors of the wars in the former Yugoslavia and Rwanda commanded the attention of influential international human rights NGOs. The 1990s was a decade of increased awareness of

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<sup>285</sup> Richard Price. 1998. “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines.” *International Organization* 52(3): 613-644.



human rights and, given the recent end of the Cold War, the international political environment was more receptive to normative concerns and campaigns.

Unlike the earlier critical junctures discussed in Chapter 3 and Chapter 4, Resolution 1820 did not result directly from the mid-1990s mobilization around the issue of women's human rights or human rights more broadly conceived. Instead, Resolution 1820 was constructed on the Women, Peace, and Security framework established by Resolution 1325, which was a direct result of mobilization in the mid-1990s, and was driven by highly motivated individuals. As one UN Women staff member observed: "Resolution 1820 was not something that was necessarily driven by the women's international movement. Their Resolution was 1325—it was all about empowerment and agency. This [Resolution 1820] was one of those moments that resulted from individual norm entrepreneurs working with the UN. [...] International courts were already engaged; the Security Council was next."<sup>286</sup> Nevertheless, Resolution 1820 cannot be divorced from its international political and normative genealogy; the concept of sexual violence as a weapon of war would be completely foreign to policymakers within states and the UN if mobilization in the mid-1990s had not highlighted the systematic nature of atrocities in the former Yugoslavia and Rwanda; these were the first fully recognized and prosecuted cases of sexual violence used as a weapon or tactic and war and they formed the basis of international recognition of future cases.

The third facilitative condition acknowledges the role of power politics and observes that capability, influence, and opportunity are significant factors that determine the success or failure of an issue's frame. When policymakers and activists have leveraged positions of influence to advance the 'weapon of war' frame they have

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<sup>286</sup> Interview with UN Women staff member. June 18, 2012. New York, NY.

generated strong and institutionalized responses in states and IOs. A political actor's—a state leader or a delegate to the UN Security Council in this case—ability and willingness to leverage influence and other resources to advance a given frame has a strong impact on that frame's success. Activists, policymakers, and organization staff have leveraged political influence and legitimacy, positions in powerful or prestigious international organizations or alliances, and windows of opportunity to build support for international efforts to address wartime sexual violence as a weapon of war. Resolution 1820's adoption was heavily dependent on US leadership and months of lobbying efforts and awareness-raising public events in New York and the United Kingdom.

Frames result from deliberate, strategic maneuvering by advocates over time. The 'weapon of war' frame's success owes as much to the three facilitative conditions elaborated above as it does to the realities of wartime sexual violence. The international response to any issue relies on the construction of that issue within an appealing, understandable frame that resonates with values, beliefs, and existing norms. The concept of sexual violence as a weapon of war allowed the international community to view as criminal, punishable, and preventable an atrocity it once ignored or believed to be inevitable.

### *The Fight for Resolution 1820*

US Secretary of State Condoleezza Rice, then President of the Security Council, opened the 5916<sup>th</sup> meeting of the Security Council on June 19, 2008 by alluding to the shifting frame of wartime sexual violence:

Rape is a crime that can never be condoned. Yet women and girls in conflict situations around the world have been subjected to widespread and deliberate acts of sexual violence. As many here are aware, for years there has been a debate

about whether or not sexual violence against women is a security issue for this forum to address. I am proud that today we can respond to that lingering question with a resounding ‘yes’. This world body now acknowledges that sexual violence in conflict zones is, indeed, a security concern. We affirm that sexual violence profoundly affects not only the health and safety of women, but also the economic and social stability of their nations.<sup>287</sup>

The resulting resolution, Resolution 1820, observes: “sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security.”<sup>288</sup> It is this observation that situated sexual violence in the realm of security issues and therefore within the Security Council’s mandate. Resolution 1820 implicitly condemns sexual violence beyond its use as a weapon of war, demanding that “all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence” and requesting increased efforts to “implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping operations”.<sup>289</sup> Sexual violence as a tactic of war nevertheless remains the focus of Resolution 1820 and subsequent Women, Peace, and Security resolutions that address sexual violence (Resolutions 1888, 1960, and 2106). Without understanding sexual violence as a weapon of war the Security Council would have been unlikely to issue a resolution.

By framing sexual violence as a weapon of war in 2008—rather than addressing the much broader spectrum of conflict-related sexual and gender-based violence—advocates narrowed the scope of situations that the Security Council would have to

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<sup>287</sup> United Nations Security Council. 2008b. “5916<sup>th</sup> meeting.” S/PV.5916.

United Nations Security Council. 2008a. “Resolution 1820 (2008).” S/Res/1820 (2008).

<sup>288</sup> United Nations Security Council. 2008a, “Resolution 1820 (2008).” S/Res/1820 (2008). 2.

<sup>289</sup> United Nations Security Council. 2008a, “Resolution 1820 (2008).” S/Res/1820 (2008). 3.

address, thereby alleviating some Council members' fears of overreach and excessive involvement in domestic affairs. One UN staff member discussed the long-term positive impact of framing sexual violence as a weapon of war, noting:

It has been really powerful as a means of convincing certain groups who did not previously think sexual violence was a concern to them, given the work they do. Peacekeepers, mediators, or UN Security Council members, for example. For a long time it was easy to say "That issue [sexual violence] is in a different camp and we deal with the real peace and security stuff."<sup>290</sup>

Sexual violence as a weapon of war is a peace and security issue, or a potential threat to regional and international security. Unless sexual violence is a tactic of war or a military strategy, and therefore a threat to international security, it does not fall under the Security Council's authority. Although the UN General Assembly's responsibilities include human rights violations and social and domestic issues, potentially including the broad spectrum of sexual violence, only the Security Council's resolutions are binding on UN member states. The Security Council's mandate—to promote and protect international peace and security—necessarily limits the issues that it can address, and members did not always view sexual violence as one of the issues within the Council's mandate. The adoption of Resolution 1820 created a binding obligation to monitor wartime sexual violence occurring in conflicts on the Security Council's agenda and established the precedent that sexual violence as a weapon of war is a matter of international security.

Advocates working toward a resolution on wartime sexual violence were aware of the Security Council's priorities and limitations. Cheryl Benard, who led a working group of UN Security Council spouses devoted to the passage of a resolution condemning wartime sexual violence in 2008, recalled very matter-of-factly:

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<sup>290</sup> Group interview with UN staff members. Telephone. 31 May 2013.

Resolution 1820 would not have passed if it had not focused on sexual violence as a tactic of war. There are many grave issues in the world and the UN Security Council cannot take them all on.<sup>291</sup>

When Dr. Benard, the wife of Zalmay Khalilzad, the US Ambassador to the UN at the time, recounted her working group's advocacy efforts the impact of issue framing on the success of those efforts became clear:

When [Resolution] 1820 appeared on the horizon and everyone was saying it would not pass, we tried to find out what could be behind this resistance. And we quickly understood that the issue wasn't that the ambassadors and their foreign offices didn't care about sexual violence against women or thought it was OK. Their concern was that the Security Council shouldn't take on matters that were outside of its mandate. In their view this belonged to the general topic of violence against women, which was a social justice issue for which other agencies existed. It could also, in their view, be a topic for the General Assembly. They weren't dismissing it, but we saw that they were misunderstanding it. Their assumption was that terrible things happen in war and that's just the way it has always been from time immemorial: people starve, lose their homes, soldiers get killed, children are orphaned, and women get raped. That's what war is. Our feeling however was that if rape was taking place as an act of war, then it was a Security Council matter. It would only be elevated to serious attention if the Security Council did pay attention to it, so our view was that [Resolution] 1820 was quite essential.<sup>292</sup>

Although advocates believed that Resolution 1820 and the commitment it would elicit from the Security Council were essential, the resolution was not well received at first. The US delegation had made a previous attempt to pass a similar resolution in 2007, less than a year before Resolution 1820's adoption. The draft resolution never reached the Security Council floor; instead, it was flatly rejected during informal preliminary meetings.<sup>293</sup> Benard saw two reasons for the draft resolution's failure: the US delegation did not make an attempt to lobby for the resolution but assumed that the Security Council

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<sup>291</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>292</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>293</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

Interview with UN Women staff member. New York, NY. 18 June 2012.

would adopt it based on the issue's merits and the US delegation's endorsement; and, similarly, the delegation was unaware of other Council members' views on wartime sexual violence as a matter for Security Council debate and action.<sup>294</sup>

The fight for Resolution 1820 began in the fall of 2007 and advocates were committed to ensuring the new resolution's adoption. The effort was met with a significant amount of pessimism; several ambassadors told advocates that there was no way their governments would support such a resolution.<sup>295</sup> Help, sadly enough, came in the form of media coverage of one particularly horrific conflict situation. In October 2007 a front-page New York Times article graphically depicted the sexual atrocities carried out against women and girls in the Democratic Republic of the Congo (DRC) and the medical assistance provided to rape survivors by Dr. Denis Mukwege and the Panzi Hospital in Bukavu.<sup>296</sup> The article, along with other news media and documentary portrayals of sexual violence in the DRC, captured the attention of the group of Security Council spouses. Appalled by the UN's apparent inaction in response to sexual violence in the DRC the group went on to meet regularly; they formed the working group led by Cheryl Benard and lobbied ambassadors and Security Council delegations. Using the violence in the DRC as their primary example, the group capitalized on the media attention to the conflict at the time and compared the scale of sexual atrocities to the systematic sexual abuse that took place during the genocide in Bosnia in the 1990s.<sup>297</sup> By not only comparing sexual violence in the DRC to the systematic sexual violence in Bosnia but observing that the recent case was *even more horrific*, advocates discussed the

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<sup>294</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>295</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>296</sup> Jeffrey Gettleman. 7 October 2007. "Rape Epidemic Raises Trauma of Congo War." *The New York Times*.

<sup>297</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

issue of wartime sexual violence in terms that resonated with Security Council members and delegations. To be ‘worse than Bosnia’, the world’s reference point for wartime sexual violence, was difficult to imagine; the fact that such atrocities were occurring despite the presence of UN peacekeepers in the DRC was unthinkable.

The spouses’ working group’s efforts fortuitously overlapped with the UN bureaucracy’s efforts to address sexual exploitation and violence. In late May 2008 the UN Development Fund for Women (UNIFEM), the UN Department of Peacekeeping Operations (UNDPKO), and UN Action against Sexual Violence in Conflict (UN Action) joined forces with the governments of Canada and the United Kingdom to hold a conference at Wilton Park on the role for military peacekeepers in preventing sexual violence against women in armed conflict. The conference brought together military leaders, government representatives, UN staff, civil society activists, and academics and moved the conversation forward from identifying the problem to enumerating potential solutions within the UN’s reach.<sup>298</sup> Ambassadors and policymakers left Wilton Park with a greater sense of obligation to respond to wartime sexual violence.<sup>299</sup>

While advocates generated attention by comparing sexual violence in the DRC to sexual violence in Bosnia, they also set out to clarify the scope—or frame—of the issue. In discussions with national delegations to the Security Council, advocates emphasized that “this was not your everyday, garden-variety, some soldiers are going to behave badly sort of thing. This was systematic, on a large scale, and very serious, and should be part

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<sup>298</sup> Anne-Marie Goetz and Leticia Anderson. June 2008. “Report of the Wilton Park Conference 914: Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers.” S/2008/404.

<sup>299</sup> Interview with UN Women staff member. New York, NY. 18 June 2012.

of the Security Council portfolio.”<sup>300</sup> The Russian ambassador, in particular, was reportedly difficult to convince. As one of the Security Council’s Permanent Five members, a negative vote from Russia would have silenced the second attempt at a resolution on sexual violence. Drawing upon the Bosnia analogy and the ‘weapon of war’ frame, advocates persuaded him that the sexual violence addressed by the proposed resolution would be “Balkans or DRC kind of rape, where it was in the context of war and had a political purpose and was therefore in the context of what the Security Council dealt with.”<sup>301</sup> Together the comparison to Bosnia and the clarification that Security Council recognition would be limited to cases of sexual violence used as a weapon of war swayed the majority of Security Council members and squelched any remaining opposition to the resolution. Benard recounted the shift from opposition to support: “We went from a situation in which no one said this would pass to a situation where it took longer than any other resolution to pass because everyone wanted to speak. Everyone got up and made a speech about how their country was at the forefront and why they were supporting this.”<sup>302</sup>

The resolution’s timing was far from coincidental. By 2008 the US had taken ownership of the issue and its Security Council presidency in June provided the perfect opportunity to ensure the resolution’s adoption.<sup>303</sup> Having grappled with the sexual violence scandal at Abu Ghraib it came as a surprise to some that the US would put forward a resolution that could further threaten its own national interests and already-

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<sup>300</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>301</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>302</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>303</sup> Interview with UN Women staff member. New York, NY. 18 June 2012.



damaged credibility.<sup>304</sup> The behind-the-scenes work of the spouses' working group and Ambassador Khalilzad's presence at Wilton Park, however, makes clear the US delegation's renewed interest in securing a successful resolution after the first failed effort. Had advocates in the working group not had close ties to the US delegation, and had they not leveraged those ties to table the new resolution for Security Council debate in June 2008, the resolution's fate would have been less certain. The financial and political resources made available through advocates' ties to a member of the Security Council Permanent Five and the ability to point to a particular conflict in which sexual violence was used as a weapon of war helped to advance the 'weapon of war' frame and secure Resolution 1820's unanimous adoption.

#### *Alternative Arguments in Context*

What would the fight for Resolution 1820 have looked like if it had been driven by other forces, namely political interest or the gender composition of the relevant organizations and delegations? Recall that the dissertation examines two alternative explanations for the development of the international response to wartime sexual violence. The first posits that political cover for planned military action or sanctions is the primary rationale for state and IO condemnation of wartime sexual violence. The second explanation looks to the presence of women in decision-making positions with state agencies or IOs and attempts to link the increased international recognition of wartime sexual violence to the increased influence of women in international politics.

The first alternative explanation relies on an understanding of the state as the central actor in the international system, views organizations as platforms for

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<sup>304</sup> Interview with UN Women staff member. New York, NY. 18 June 2012.

communicating state interests, and expects that state interests are consistent over time and generally override normative interests.<sup>305</sup> Studies of embedded feminism in foreign policy and the use of justificatory rhetoric to build support for military interventions and sanctions suggest that condemning an adversary's use of sexual violence provides a state with ample political leverage to enact policies and interventions that would otherwise be unpopular.<sup>306</sup>

The first distinction between condemnation of sexual violence as justificatory rhetoric and earnest condemnation of sexual violence is evident in the commitments made during and after the response in question, Resolution 1820 in this case. Although the Security Council's follow-up to Resolution 1820 has been imperfect, the resolution established a framework for Security Council and broader UN action on the issue of wartime sexual violence. Three subsequent resolutions—Resolution 1888 (2009), Resolution 1960 (2010), and Resolution 2106 (2013)—have further strengthened the mechanisms for monitoring and reporting on wartime sexual violence, both on the ground in conflict zones and within UN agencies.

The second distinction between condemnation of sexual violence as justificatory rhetoric and earnest condemnation is the presence or absence of a clearly linked state interest. For condemnation to serve as justificatory rhetoric the state leading the response

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<sup>305</sup> Stephen D. Krasner. 1993. "Sovereignty, Regimes, and Human Rights" in Volker Rittberger, Ed. *Regime Theory and International Relations*. Oxford: Oxford University Press.  
Olga Avdeyeva. 2007. "When Do States Comply with International Treaties? Policies on Violence against Women in Post-Communist Countries" in *International Studies Quarterly* 51: 877-900.

<sup>306</sup> Krista Hunt and Kim Rygiel, Eds. (2006) *(En)gendering the war on terror: war stories and camouflaged politics*. Burlington, VT: Ashgate.  
Eran N. Ben-Porath. 2007. "Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts." *Presidential Studies Quarterly* 37(2): 181-202.  
Lisa Hultman. 2012. "UN peace operations and protection of civilians: Cheap talk or norm implementation?" *Journal of Peace Research* 50(1): 59-73.

must have the intent to justify a policy or intervention involving a targeted adversary. For example, in September 2002, the Bush administration graphically recounted the Iraqi regime's use of 'rape rooms' and its general practice of rape as a means of intimidating political opposition. At this time the administration was in the process of attempting to persuade the international community and the American public of the validity of an invasion of Iraq.<sup>307</sup> There is no similar evidence of state interest in the case of Resolution 1820. Condemnation of sexual violence can serve as a valuable rhetorical and foreign policy tool, but the need to cover up existing state interests does not sufficiently explain the lobbying efforts and adoption of Resolution 1820.

The second alternative explanation explores the relationship between the increased presence of women in governments and organizations and the response to wartime sexual violence. This explanation predicts a shifting balance of power within states and organizations as more women gain positions of influence. Existing research has demonstrated the impact of women's presence in international tribunals and courts on the inclusion of rape in international legal documents and decisions: when women are present as prosecutors, investigators, and judges, sexual crimes are more likely to be taken seriously, included in legal documents, and prosecuted.<sup>308</sup> The agendas of states and international organizations have come to include women's issues and efforts to address sexual violence in recent years, which is correlated with the increased presence of women in these national and international bodies. The example of the US State

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<sup>307</sup> Ben-Porath 2007, 194.

<sup>308</sup> Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press. 14-15.

Peggy Kuo. 2002. "Prosecuting Crimes of Sexual Violence in an International Tribunal." *Case Western Reserve Journal of International Law* 34: 308-311.

Department's Office of Global Women's Issues, discussed in Chapter 2, suggests that the impact is similar.

The influence of the increased number of women in states and political organizations on policies and commitments addressing wartime sexual violence in particular is less clear than the impact on legal institutions or policies concerning women's issues in general. In the particular case of Resolution 1820 the presence of women in states and organizations serves as a relevant but insufficient condition: women's issues, broadly considered, and sexual violence in particular became more prominent on the agendas of states and the UN once women occupied more positions of influence, but the process and political dynamics leading up to Resolution 1820 demonstrate that the impact of framing sexual violence as a weapon was the critical factor determining the resolution's adoption. Women were just as influential in the UN bureaucracy, state delegations, and NGOs in the year leading up to Resolution 1820, when its fate was far from certain; it was the strategic shift to discussing sexual violence as a weapon that led to the resolution's eventual adoption. The short time period between the first failed attempt at a resolution condemning sexual violence in 2007 and the eventually successful adoption of Resolution 1820 in the summer of 2008 leaves little room for drastic shifts in institutional culture, and the reframing of the resolution appears to have swayed hesitant Security Council delegations more than any other factor.

#### *Building on the Framework of Resolution 1820*

Resolution 1820 solidified wartime sexual violence as a security issue and signaled the Security Council's willingness to include the issue among its priorities. Two subsequent resolutions followed quickly in Resolution 1820's wake, each providing

additional commitments and adding specific mechanisms that enabled the Security Council and the broader UN organization to monitor and respond to wartime sexual violence. Security Council Resolution 1888, adopted in September 2009, established the office of the Special Representative of the Secretary General on Sexual Violence in Conflict. The Special Representative is tasked with monitoring and reporting on cases of sexual violence in armed conflict and coordinating with UN agencies and Member States to ensure an effective international response. Security Council Resolution 1960, adopted in December 2010, cited the need for more effective monitoring of and greater accountability for wartime sexual violence. Together the three resolutions established a clear basis for action at the UN level.<sup>309</sup> As Special Representative to the Secretary General on Sexual Violence in Armed Conflict, Zainab Hawa Bangura, observed in June 2013 during the Security Council debate on Resolution 2106, these resolutions together “affirm that this crime, when committed systematically and used as a tool of war, is a fundamental threat to the maintenance of international peace and security, and as such requires an operational, security and justice response.”<sup>310</sup> The ‘weapon of war’ frame proved to be effective and stable: each of the subsequent Security Council resolutions focused on sexual violence as a weapon or tactic of war. The political, legal, and conceptual framework established by Resolution 1820 and upheld through Resolutions 1888 and 1960 formed the basis of future efforts to combat wartime sexual violence, namely the sweeping national and international commitments elicited through the United Kingdom’s Preventing Sexual Violence Initiative.

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<sup>309</sup> Saffienne Vincent. November 2012. “Conference Report: Preventing sexual violence in conflict and post-conflict situations. Monday 12-Wednesday 14 November 2012.” WP1199. 3. [https://www.wiltonpark.org.uk/conference/wp1199/#conference\\_introduction](https://www.wiltonpark.org.uk/conference/wp1199/#conference_introduction)

<sup>310</sup> United Nations Security Council. 24 June 2013. 6984<sup>th</sup> meeting. S/PV.6984. 4.

### **5.3. From National to International: Launching PSVI**

The Foreign & Commonwealth Office of the British Government launched its Preventing Sexual Violence Initiative (PSVI) in May 2012. PSVI, the dissertation's final critical juncture, is a fully institutionalized and long-term national-turned-international response to sexual violence as a general issue and in particular armed conflicts. The strongest of the responses studied in the dissertation, PSVI involves institutional, material, and human commitments and demonstrates the incredible progress that the international community has made over the course of the last two decades. The 'weapon of war' frame laid the foundation for this initiative and made available the rhetoric that Foreign Secretary William Hague and his colleagues used to lobby other governments and IOs to make financial and institutional commitments in line with PSVI's efforts.

The creation and diffusion of PSVI underscores my assertion that interest-based assumptions fall short in predicting that the international response to wartime sexual violence will only occur when states and IOs have a strategic incentive to act. Aside from the initiative's development during a relative absence of international conflicts or crises involving the UK, the deployment of PSVI's Team of Experts to investigate sexual violence occurring in 'friendly' states signals that the Government is generally more concerned with the issue of sexual violence than political convenience. PSVI's standing deployable Team of Experts is a long-term human commitment, as are the financial and legal commitments made through the initiative. None of the commitments made through the creation and implementation of PSVI is susceptible to the ebb and flow of national interests.

*Political Mechanisms at Work in the Internationalization of PSVI*

The British Government launched PSVI in an effort to complement—not duplicate—the existing initiatives and efforts managed by the UN and NGOs. PSVI's core objective is to end impunity for sexual violence by: increasing the number of perpetrators successfully prosecuted by international and national courts; strengthening international responses through improved coordination; and building states' capacity to respond to sexual violence. With its emphasis on investigation, medical care, and documentation PSVI contributes to the overarching international effort to end impunity for perpetrators of wartime sexual violence and bolsters the work of the UN Special Representative for Sexual Violence in Conflict, UN Women, and UN Action Against Sexual Violence in Conflict.

Despite the fact that PSVI's work in practice includes sexual violence committed outside of the context of wartime strategy the language used by members of the British Government when lobbying the G8 and UN Security Council and in public awareness-raising efforts in the international media suggests that the 'weapon of war' frame remains the dominant view of wartime sexual violence. In his appeal for domestic popular support in the Huffington Post's UK Edition on May 30, 2012, William Hague cited the unsettling sexual violence statistics from recent salient conflicts and reiterated that sexual violence is an effective weapon of war: "The grave and regrettable reality is that rape and other forms of sexual violence have been inflicted upon women as weapons of war in battlefields the world over. In Rwanda alone, it is estimated that over 300,000 women were raped during the 100 day Genocide. In Darfur, Liberia and the DRC levels of sexual violence have been extremely high too, and horrific reports are emerging of abuses in

Syria.”<sup>311</sup> Throughout PSVI’s first year, the Foreign Minister’s speeches and articles reiterated the ‘weapon of war’ language and focused in particular on the use of sexual violence as a weapon against women.<sup>312</sup> When cloaked in the language of the ‘weapon of war’ frame, an initiative to address and prevent sexual violence is simply more attractive to the international community, especially to states that were formerly hesitant to participate in such efforts.

The ‘weapon of war’ frame guaranteed PSVI’s initial success. The ‘weapon of war’ frame was itself successful in this case because of the political conditions that facilitated its resonance with and diffusion throughout the international community. The first condition, the link between the frame and past salient conflicts, was present throughout the first year of PSVI. Foreign Secretary William Hague’s early speeches advocating for broad support of PSVI recalled the sexual atrocities committed during the wars in Bosnia, Darfur, Rwanda, Liberia, the DRC, and Syria as noted above and in the following excerpt:

Rape and other forms of sexual violence have been used as weapons against women in conflicts the world over. This was brought home to me most starkly when I met women in refugee camps in Darfur who had been viciously assaulted when collecting firewood to cook for their children, and the survivors of

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<sup>311</sup> William Hague. 30 May 2012. “Preventing Sexual Violence in Conflict” *Huffington Post UK*. [http://www.huffingtonpost.co.uk/william-hague/preventing-sexual-violence-in-conflict-\\_b\\_1554928.html](http://www.huffingtonpost.co.uk/william-hague/preventing-sexual-violence-in-conflict-_b_1554928.html)

<sup>312</sup> Foreign & Commonwealth Office. 29 May 2012. “Foreign Secretary launches new Government initiative to prevent sexual violence in conflict.” William Hague. “Preventing Sexual Violence in Conflict” *Huffington Post UK*. William Hague. 25 September 2012. “UK announces support for victims of sexual violence in conflict.” <http://www.unmultimedia.org/radio/english/2012/09/uk-announces-support-for-victims-of-sexual-violence-in-conflict/> William Hague. 28 January 2013. “Sexual Violence in War Is Our Generation’s Slave Trade.” [http://www.huffingtonpost.com/william-hague/sexual-violence-in-war-is\\_b\\_2551284.html](http://www.huffingtonpost.com/william-hague/sexual-violence-in-war-is_b_2551284.html) Foreign & Commonwealth Office. 11 April 2013. “Declaration on Preventing Sexual Violence in Conflict.” <https://www.gov.uk/government/publications/g8-declaration-on-preventing-sexual-violence-in-conflict>



Srebrenica—the worst atrocity on European soil since the end of the Second World War.<sup>313</sup>

The conflicts in Darfur and Bosnia carried great significance for the Foreign Secretary because of his first-hand experience speaking with women in both locations and, in the case of Bosnia, the personal experience of a colleague.<sup>314</sup> Perhaps more importantly, each of the conflicts Hague cited was familiar to the national and international audiences he intended to reach and equating the situation in Syria with better-known cases of sexual violence legitimated PSVI's efforts to address sexual violence there.

Unlike the other cases studied in the dissertation, the advocacy surrounding PSVI involved frequent references to the movement to abolish the slave trade. While salient conflict analogies help to situate the 'weapon of war' frame by recalling horrific wars in which the international community witnessed systematic sexual violence, the slave trade analogy suggests that the seemingly insurmountable task of abolishing wartime sexual violence is in fact possible:

In the past, slave trading was seen as a problem that was much too complex to be tackled. But eventually the groundswell of public outrage and efforts from powerful countries led to its abolition. I will have that example in mind in April, when I urge our G8 partners to redouble their efforts against another scourge the world has put up with for far too long.<sup>315</sup>

There comes a time in each generation when it's possible to make progress on ending great injustices or tackling vast global problems. We saw this in the 18<sup>th</sup> century, for instance, with the historic campaign to abolish the slave trade and drive it from the seas. And in many of our lifetimes the world has come together to ban cluster munitions, to tackle the trade in conflict diamonds, and to outlaw the use of landmines. Foreign policy has always to be about these things, it has to be about more than dealing with the immediate crises.<sup>316</sup>

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<sup>313</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

<sup>314</sup> Interview with British official. 18 April 2013. Washington, DC.

<sup>315</sup> William Hague. 28 January 2013. "Sexual Violence in War Is Our Generation's Slave Trade."

<sup>316</sup> Foreign & Commonwealth Office. 29 May 2013. "Foreign Secretary marks first anniversary of the Preventing Sexual Violence Initiative."

The analogy suggests that there is a moral imperative to stamp out sexual violence in armed conflict just as there was a moral imperative to abolish the international slave trade and outlaw anti-personnel landmines, cluster munitions, and conflict diamonds. This particular analogy moves the conversation on the international response to wartime sexual violence from justification for political recognition to justification and a mandate for more concerted action. The analogy in this case is less about drawing attention to individual wars and the issue of sexual violence in general than it is about building momentum for the movement to end wartime sexual violence through PSVI and other national and international initiatives.

The second condition, the mid-1990s mobilization around the issue of women's human rights, was more clearly influential in the case of PSVI than in the case of Resolution 1820, although its influence on both cases is limited to laying the groundwork for the two cases. PSVI's mandate includes a focus on women's rights and enjoyment of full equality, noting that impunity for wartime sexual violence is an obstacle to these goals. Like Resolution 1820, PSVI's advocates used the 'weapon of war' frame to draw national and international support by lobbying for the program using the frame that resonates most effectively with security-minded states and organizations. Unlike Resolution 1820, PSVI's framework includes recognition of sexual violence in the more complex terms of human rights and women's equality.<sup>317</sup> In addition to recognizing that sexual violence and women's human rights (or a lack thereof) impact one another, the

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<http://blogs.fco.gov.uk/williamhague/2013/05/29/foreign-secretary-marks-first-anniversary-of-the-preventing-sexual-violence-initiative/>

<sup>317</sup> Foreign & Commonwealth Office. April 2013. *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report*. 5, 90-92.

Foreign & Commonwealth Office. 11 April 2013. "Declaration on Preventing Sexual Violence in Conflict."

Foreign & Commonwealth Office's efforts to survey the issue's landscape and determine how best to move forward with PSVI's agenda included outreach to international civil society groups focused on sexual violence and women's human rights.<sup>318</sup> Hague's advocacy on behalf of PSVI frequently emphasized the fact that sexual violence is both a security issue and a women's human rights issue: "It is my firm conviction that tackling sexual violence is central to conflict prevention and peace-building worldwide. It must be as prominent in foreign policy as it is in development policy, for the two cannot be separated. And it also cannot be separated from wider issues of women's rights."<sup>319</sup> The attempt to reconnect with the mid-1990s mobilization around women's human rights that first ushered the issue of sexual violence onto the international agenda distinguishes PSVI from Resolution 1820 and indicates that the international response is still developing, expanding, and improving.

The third condition, the use of political leverage, is the most apparent of the three facilitative conditions in this case. Not only did William Hague and his colleagues use the British Government's international political influence throughout the first year of PSVI, but they explicitly and repeatedly stated their intention to do so. For example, in Hague's May 30, 2012 introductory article he wrote:

Our government is determined to bring new energy and leadership to this task. We want to use Britain's influence and diplomatic capability to rally effective international action, to help find practical ways to ensure that survivors feel confident to speak out, and regain the dignity, rights, and restitution that is their due. [...] [W]e will use Britain's Presidency of the G8, starting on 1 January 2013, to highlight the need for stronger international action to deter and prevent sexual

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<sup>318</sup> Foreign & Commonwealth Office. 14 November 2012. "Wilton Park Conference on Preventing Sexual Violence in Conflict and Post-Conflict Situations." <https://www.gov.uk/government/news/wilton-park-conference-on-preventing-sexual-violence-in-conflict-and-post-conflict-situations>

<sup>319</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

violence in conflict. We will use these crucial seven months before our Presidency to build real momentum around this initiative and to encourage other countries to work with us on this vital issue.<sup>320</sup>

In the case of PSVI, timing was both fortuitous and strategic. The Foreign & Commonwealth Office seized the opportunity to leverage the United Kingdom's G8 Presidency in 2013 understanding that the annual spotlight trained on the G8 meetings would improve international awareness of sexual violence and the Government's new initiative to combat it. When asked about the Foreign & Commonwealth Office's decision to use the G8 Presidency to build support for PSVI one British official remarked:

We saw the opportunity to really raise the issue because at times it seems like sexual violence gets discussed in side meetings and isn't always seen as being central to the agenda. This is such a priority to the Foreign Secretary himself and he saw the chance to put this out on a big stage [through the G8]. I think also in terms of generating more financial support, the thought was that this was the right forum. And then in terms of getting the acceptance of the breach of the Geneva Conventions and the international protocol, he saw the G8 as a good group from which to start out and get those people aligned so it can expand further.<sup>321</sup>

It is clear that the use political leverage in the case of PSVI stems in large part from William Hague's great personal interest in the issue. The Foreign Secretary sought to make preventing sexual violence an international priority through PSVI's launch and subsequent lobbying efforts at the G8, UN Security Council, UN General Assembly, and multilateral conferences. PSVI's development demonstrates that political leverage is a tool that can be effectively exercised by a single norm entrepreneur within the state. Norm entrepreneurs need not be political, and PSVI is one of the cases that suggest that celebrities and members of civil society can have great influence over international political issues when they are personally motivated to support the cause. Celebrity

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<sup>320</sup> William Hague. 30 May 2012. "Preventing Sexual Violence in Conflict."

<sup>321</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC.

Angelina Jolie was one of Hague's great allies in the effort to internationalize PSVI through mass public appeal. More than a superficial endorsement of the initiative, Jolie worked with Hague and the Foreign & Commonwealth Office on "nitty gritty details"<sup>322</sup> throughout the initiative's development and diffusion.

*PSVI's Launch, May 2012*

The central goal of PSVI is to end sexual violence in armed conflict by making it an unattractive and infeasible weapon. To accomplish this goal the British Government chose to focus on eliminating the culture of impunity surrounding the perpetration of sexual violence, but this requires broad international consensus and action. Recognizing the need for international support, PSVI is comprised of three interrelated efforts: establishing and maintaining a rapidly deployable Team of Experts specializing in medical care, legal processes, and security; building international consensus that wartime sexual violence is a violation of the Geneva Conventions and therefore a serious international legal matter; and securing financial commitments for existing UN and domestic initiatives addressing wartime sexual violence.

PSVI demonstrates the persuasive power of the 'weapon of war' frame. Despite the fact that the initiative adopts a broader approach than previous efforts by taking action even when the strategic nature of sexual violence is unclear and by focusing on the impact of conflict-related sexual violence on human rights and stabilization efforts, the British Government's efforts to build support for the initiative have centered on the 'weapon of war' frame and echoed the language used in Resolution 1820. The case of PSVI also underscores the central role of analogies in diffusing the 'weapon of war' frame, the lasting impact of mobilization occurring nearly two decades earlier, and the

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<sup>322</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC.

importance of capitalizing on political ties and influence. In his May 29, 2012 speech launching PSVI, William Hague described an initiative that would go beyond political discourse and rhetoric to make a very powerful and truly human commitment to ending conflict-related sexual violence. In the months that followed Hague's initial announcement the Foreign & Commonwealth Office engaged in an intense national and international campaign to raise awareness of and support for PSVI. From the summer of 2012 through the summer of 2013 speeches, blog posts, editorials, and remarks to international political assemblies by Hague and his colleagues emphasized the use of sexual violence as a weapon of war, citing grim statistics from recent salient conflicts and remarking on the fact that the international community had not done enough to end the culture of impunity surrounding these atrocities.

Building on the political precedent set by Resolution 1820, the efforts to internationalize PSVI consistently recalled that sexual violence is a peace and security issue and a threat to post-conflict stabilization efforts:

The grave and regrettable reality is that rape and other forms of sexual violence have been inflicted upon women as weapons of war in battlefields the world over. In Rwanda alone, it is estimated that over 300,000 women were raped during the 100 day Genocide. In Darfur, Liberia and the DRC levels of sexual violence have been extremely high too, and horrific reports are emerging of abuses in Syria. Such crimes, especially if they are not addressed or punished, affect the victims and their families as well as their communities for years to come. This feeds anger, distrust and continuous cycles of conflict. It creates long lasting enmity between peoples, and makes it hard to bring peace. Degrading the dignity of women in such a way reduces their essential role and crucial ability to help build peace and holds back development. As a community of nations we will not succeed in preventing conflict and building sustainable peace unless we give this issue the centrality it deserves; alongside the empowerment and participation of women at every level in all societies.<sup>323</sup>

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<sup>323</sup> William Hague. 30 May 2012. "Preventing Sexual Violence in Conflict."

From its outset, PSVI has been built on the assumption that sexual violence is a security issue in addition to a women's human rights issue, a stance that would have been tenuous just five years prior to the initiative's launch. Given the consensus reached by United Nations members, beginning with Resolution 1820 and reiterated through Resolutions 1888 and 1960 prior to PSVI's launch, that sexual violence constitutes an international security issue, the Foreign & Commonwealth's efforts to lobby the international community for support emphasized the strategic nature of sexual violence using the 'weapon of war' frame and focused on the moral imperative to end impunity and the specific mechanisms through which such a goal is attainable.

The May 2012 launch of PSVI emphasized the Foreign & Commonwealth Office's intention to secure broad international support for the initiative in an effort to bring about an end to impunity for wartime sexual violence through international consensus and action. Hague's initial speech on the motivations for and goals of PSVI demonstrated the utility of the 'weapon of war' frame, the use of historical analogies, and the powerful role of his personal interest in the matter. Citing the use of sexual violence as a weapon in Darfur, Bosnia, Liberia, and the DRC, Hague likened wartime sexual violence to the slave trade.<sup>324</sup> By recalling the horrific use of sexual violence in recent, well-publicized conflicts Hague's early speeches and articles reminded the domestic and international publics of the issue's gravity. By linking the persistence of wartime sexual violence to the international slave trade Hague suggested that the issue is at once despicable and possible to eradicate. The slave trade analogy emerged in no small part

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<sup>324</sup> William Hague. 30 May 2012. "Preventing Sexual Violence in Conflict." Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

because of the Foreign Secretary's deep personal admiration for William Wilberforce, the anti-slave trade campaigner about whom he has written a biography.<sup>325</sup>

The impact of political influence is visible throughout each development in PSVI's first year. The first and most critical influence was Hague's personal dedication to eradicating wartime sexual violence, which came about through several avenues. Hague's leadership on the issue of sexual violence was motivated in part by personal interactions with survivors of sexual violence in Darfur and Bosnia. Speaking of his site visits to Darfur and Srebrenica, Hague recalled: "All these women told me of the unspeakable violence perpetrated against them. They talked to me of their rights unfulfilled and violated; their desire for justice for themselves, for their children and families, and above all their desire for peace."<sup>326</sup> The Foreign Secretary's personal experience with wartime sexual violence has not been limited to state business but instead stems also from the personal experiences of his staff members. According to one British official, Hague's motivation was partially linked to "his own previous experience and those of the staff around him who have experienced sexualized violence in places like Bosnia."<sup>327</sup> Finally, political relations between the United Kingdom and the United States, but most especially Hillary Clinton's influence as US Secretary of State and her focus on National Action Plans on Women, Peace, and Security during the US presidency of the G8 in 2012, captured Hague's attention.<sup>328</sup>

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<sup>325</sup> Alice Allan. 10 April 2012. "What can William Hague do to prevent sexual violence in conflict?" *The Guardian*. <http://www.theguardian.com/global-development/poverty-matters/2013/apr/10/william-hague-sexual-violence-conflict>

<sup>326</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

<sup>327</sup> Interview with British embassy official. 18 April 2013. Washington, DC.

<sup>328</sup> Interview with British embassy official. 18 April 2013. Washington, DC.



The second intriguing political influence was the alliance between William Hague and Angelina Jolie, Special Envoy of the UN High Commissioner for Refugees. The May 29, 2012 launch of PSVI included a screening of Jolie's film, "In the Land of Blood and Honey", about the Bosnian War and the atrocities committed against women throughout the conflict. Celebrity involvement in human rights and human security issues is not unique to wartime sexual violence, but the lasting impact of celebrity endorsements is not always clear. As discussed in Chapter 4 on the US response to sexual violence in the DRC, the issue of sexual violence has generated significant attention from celebrities. One British official observed: "I think this is one of those cases in which you really see individual motivations. [...] I see a lot of cases where celebrities get involved in issues. I haven't always thought of that as helpful, but in the case of sexual violence Angelina Jolie has been very involved and that has helped. Her involvement helps to get the message out more broadly, not just to politicians."<sup>329</sup> The alliance between Hague and Jolie came about through Hague's connection to sexual violence in Bosnia and the impact that Jolie's film had on him and one of his advisers, who is of Bosnian origin:

I think because of the movie being set there [Sarajevo] it was something that generated a conversation between him and Angelina Jolie. When he started to think about how to move forward with the broader initiative she seemed like a sensible person to work with. I'm personally quite impressed with her in the sense that she has been involved in the nitty gritty details. We hosted a conference on this at Wilton Park in November 2012 [...] and Angelina Jolie attended that. She has been on visits with him; she went to Rwanda recently and to the G8. She's put in quite a lot of time and it has been quite helpful in this case.<sup>330</sup>

Celebrity endorsements and involvement help raise awareness through media coverage; where Angelina Jolie goes, the cameras follow.

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<sup>329</sup> Interview with British embassy official. 18 April 2013. Washington, DC.

<sup>330</sup> Interview with British embassy official. 18 April 2013. Washington, DC.

Beyond the personal political and popular influences, PSVI's creation and internationalization has depended in large part on the United Kingdom's strong political influence within the international, particularly its leadership positions in the G8 and the UN Security Council. At PSVI's launch on May 29, 2012, Hague stated his wish to "publicly renew the British Government's commitment to tackling sexual violence in armed conflict."<sup>331</sup> He also used that venue to announce that Britain's 2013 Presidency of the G8 would be devoted to a "year-long diplomatic campaign on preventing sexual violence in armed conflict."<sup>332</sup> The publicity-building article in the Huffington Post UK the following day reiterated the British Government's intention to use its international influence to support PSVI and existing efforts to end wartime sexual violence: "Our government is determined to bring new energy and leadership to this task. We want to use Britain's influence and diplomatic capability to rally effective international action, to help find practical ways to ensure that survivors feel confident to speak out, and regain the dignity, rights, and restitution that is their due."<sup>333</sup> Between the summer of 2012 and the summer of 2013 that is exactly what the British Government did: the Foreign & Commonwealth Office gathered a range of organizations and individuals from international civil society at Wilton Park in November 2012; building on the recommendations made at Wilton Park, the British delegation to the G8 capitalized on Britain's 2013 Presidency of the organization to secure a declaration on preventing sexual violence in conflict in April 2013; and during its Presidency of the Security Council in

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<sup>331</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

<sup>332</sup> Foreign & Commonwealth Office. 29 May 2012. "Foreign Secretary launches new Government initiative to prevent sexual violence in conflict."

<sup>333</sup> William Hague. 30 May 2012. "Preventing Sexual Violence in Conflict."

June 2013 the British Government introduced Resolution 2106 to strengthen UN efforts to address wartime sexual violence.

*Wilton Park Conference, November 2012*

Between November 12 and 14, 2012, the Foreign & Commonwealth Office partnered with Wilton Park to host a high-level meeting on preventing sexual violence in conflict and post-conflict situations. The Wilton Park Conference built on the international community's "increased understanding and awareness of sexual violence as a tact and weapon of war" and the "increased momentum from the international community to break the silence of sexual violence in conflict, combat a culture of impunity and shift the balance of shame from the survivors to the perpetrators."<sup>334</sup> The gathering of state delegates and civil society experts served as a "brainstorming" session to guide the Foreign & Commonwealth Office's efforts during the crucial months leading up to the UK's presidency of the G8 by identifying "where global leadership on this issue could make a difference" in establishing a new "culture of deterrence."<sup>335</sup>

The Conference included Foreign Secretary Hague, Angelina Jolie, UN Special Representative on Sexual Violence Zainab Bangura, former UN Special Representative on Sexual Violence in Conflict Margot Wallstrom, and an array of government and NGO personnel and academic experts. State participants included G8 members (Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States), Sierra Leone, Liberia, Sudan, and the Democratic Republic of the Congo. Organizational representatives hailed from the International Criminal Tribunal for the former

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<sup>334</sup> Saffienne Vincent. November 2012. "Conference Report: Preventing sexual violence in conflict and post-conflict situations. Monday 12-Wednesday 14 November 2012." WP1199. 1. [https://www.wiltonpark.org.uk/conference/wp1199/#conference\\_introduction](https://www.wiltonpark.org.uk/conference/wp1199/#conference_introduction)

<sup>335</sup> Vincent 2012, 1.

Yugoslavia, Women's International League for Peace and Freedom, UN Women, Amnesty International, the International Committee of the Red Cross, the International Rescue Committee, and the Women's Media Center, among others.<sup>336</sup> Given PSVI's focus on ending impunity through effective prosecution, the meeting initially emphasized investigation and prosecution issues before those in attendance shifted the conversation back to preventing sexual violence, recognizing the early warning signals of sexual violence, and increasing implementation of the international initiatives and policies already in place.<sup>337</sup>

The Wilton Park Conference's agenda included sexual violence in conflicts all over the world, but Syria emerged as a focal point and civil society participants expressed frustration at the lack of a high-level international response to sexual violence in the Syrian conflict. Lauren Wolfe was asked to present Women's Media Center's Women Under Siege Project's findings on sexual violence in Syria but, in addition to presenting facts and figures, she issued an appeal to the group to establish concrete recommendations for Foreign Secretary Hague to do something concrete in response to the situation in Syria and the diplomatic impasse that prevented the Security Council from taking serious action in light of Russia's political ties to the Assad regime.<sup>338</sup> The group held an impromptu session on Syria and presented Hague with the following goals

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<sup>336</sup> Lauren Wolfe. 15 November 2012. "What the UK can do to stop sexualized violence in Syria." Women's Media Center. <http://www.womenundersiegeproject.org/blog/entry/what-the-uk-can-do-to-stop-sexualized-violence-in-syria>

Foreign & Commonwealth Office. 14 November 2012. "Wilton Park conference on preventing sexual violence in conflict and post-conflict situations." <https://www.gov.uk/government/news/wilton-park-conference-on-preventing-sexual-violence-in-conflict-and-post-conflict-situations>

<sup>337</sup> Sanam Anderlini. 20 November 2012. "Preventing sexual violence during war and conflict: It's time to 'just do it.'" <http://globalgendercurrent.com/2012/11/preventing-sexual-violence-during-war-and-conflict-its-time-to-just-do-it/>

<sup>338</sup> Wolfe. 15 November 2012. "What the UK can do to stop sexualized violence in Syria."

to meet through his political influence as Foreign Secretary and soon-to-be President of the G8: urge the UK and G8 to provide funding to humanitarian efforts focused on sexual violence; “make diplomatic overtures toward Russia on intervening with the Assad regime specifically about the use of sexualized violence with a view toward ending it”; support a referral of Syria to the International Criminal Court and encourage other G8 members to do the same; given Russia’s interest in making progress on UN Security Council Resolution 1325, “seek a window of opportunity to create a relationship with Russia on ending sexualized violence in Syria” through the UK’s ambassador to NATO; review the efficacy of the European Union’s (EU) sanctions and their link to trafficking in Syria; and “work with international civil society initiatives that are aimed at raising the profile of Syrian women’s perspectives and voices”.<sup>339</sup> Wolfe concluded that “Hague received our recommendations well. Now it’s up to him to figure out what he and the other G8 countries can do as the UK takes up the G8 presidency in 2013.”<sup>340</sup> Did the recommendations resonate with Hague? In his November 16, 2012 speech after a meeting with the Leaders of the National Coalition of Syrian Revolutionary and Opposition Forces, Hague integrated many of the Wilton Park group’s insights. He stressed the importance of the Coalition’s commitment to opposing violence and rape against Syrians, “upholding high standards of human rights, of international humanitarian law, preventing sexual violence and [...] abuse of prisoners.”<sup>341</sup>

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<sup>339</sup> Wolfe. 15 November 2012. “What the UK can do to stop sexualized violence in Syria.” Vincent 2012.

<sup>340</sup> Wolfe. 15 November 2012. “What the UK can do to stop sexualized violence in Syria.”

<sup>341</sup> Foreign & Commonwealth Office. 16 November 2012. “International meeting on support to the Syrian Opposition.” <https://www.gov.uk/government/news/international-meeting-on-support-to-the-syrian-opposition>

The Wilton Park discussion's core themes demonstrated the pervasiveness of the 'weapon of war' frame. Wilton Park's final report lists first among the themes arising during the group's discussion the following observation:

Sexual violence in conflict is a security, development and human rights issue. Violations perpetuate an atmosphere of insecurity and instability and provide a major challenge to sustainable development and peace. Such crimes require an integrated and coordinated response which addresses all three aspects of the problem.<sup>342</sup>

In the report's section on international frameworks the first observation is that "sexual violence is a highly effective weapon of war; it humiliates, dominates, instills fear and creates enduring ethnic, religious, family and community divides. Some compare this to extending the battlefields in war to the bodies of women, men, and children."<sup>343</sup> The discussion at Wilton Park, just like the broader PSVI initiative, recognized the use of sexual violence as a weapon but also conceded that sexual violence is more complex than the frame suggests, as there are "a number of types of sexual violence in conflict; these may be tactical and strategic or opportunistic" and men and children are victimized by sexual violence but remain silenced.<sup>344</sup>

Foreign Secretary Hague used the Wilton Park Conference both as a means to gain insight from key players in the international community into what would make PSVI and the UK Government's efforts most effective and to announce his Government's progress on and commitments through PSVI. In other words, Wilton Park served as a venue to communicate PSVI's goals to the international community and to incorporate international civil society's insights into the Foreign & Commonwealth Office's approach to PSVI. In a speech that again claimed that "shattering the culture of impunity for those

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<sup>342</sup> Vincent 2012, 2.

<sup>343</sup> Vincent 2012, 2.

<sup>344</sup> Vincent 2012, 2.

who use rape as a weapon of war is the next great global challenge of our generation”<sup>345</sup>, Hague announced two landmark commitments. The first was that the Team of Experts, which the UK Government would finance, maintain, and “deploy to conflict areas to support UN missions and local civil society to investigate allegations of sexual violence, gather evidence and help build the capabilities of other nations”. By November 2012 the Team of Experts had enrolled 70 individuals.<sup>346</sup> The team included legal and medical professionals as well as experts in gender-based violence. The second announcement committed the UK to contributing an additional £¼ million to the UN Department of Peacekeeping Operations and Department of Field Support over three years to “develop policies, guidance and training for use by UN peacekeepers as first responders to incidents of sexual violence.”<sup>347</sup> As Sanam Anderlini, co-founder of the International Civil Society Action Network (ICAN) and Wilton Park attendee, wrote of the conference, “the overwhelming message was: enough policy and rhetoric, let’s ‘just do it’.”<sup>348</sup> As he entered 2013 and the UK’s G8 presidency term, that is exactly what William Hague and his colleagues set out to do.

### *G8 Presidency, 2013*

Foreign Secretary Hague kicked off the UK’s Presidency of the G8 in 2013 by recalling the slave trade analogy, citing the regrettably small number of successful

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<sup>345</sup> Foreign & Commonwealth Office. 14 November 2012. “Wilton Park conference on preventing sexual violence in conflict and post-conflict situations.”  
<https://www.gov.uk/government/news/wilton-park-conference-on-preventing-sexual-violence-in-conflict-and-post-conflict-situations>

<sup>346</sup> Foreign & Commonwealth Office. 14 November 2012. “Wilton Park conference on preventing sexual violence in conflict and post-conflict situations.”

<sup>347</sup> Foreign & Commonwealth Office. 14 November 2012. “Wilton Park conference on preventing sexual violence in conflict and post-conflict situations.”

<sup>348</sup> Anderlini. 20 November 2012. “Preventing sexual violence during war and conflict: It’s time to ‘just do it.’”

prosecutions of sexual violence in international courts, emphasizing that sexual violence in Syria was exacerbating the conflict, and calling on fellow leaders of influential states to take action and make concrete commitments to ending impunity for sexual violence used as a weapon of war. In the four months leading up to the G8 Foreign Ministers meeting in the UK in April 2013, Hague and British diplomats lobbied broadly for international legal and financial support for PSVI and other existing efforts to combat wartime sexual violence. The lobbying techniques hinged on the ‘weapon of war’ frame, discussing sexual violence as a military tactic, a security and foreign policy issue, and a destabilizing element in well-known and protracted conflicts.

A core strength of the Foreign & Commonwealth Office’s—and particularly, William Hague’s—international lobbying efforts lay in the consistent emphasis on the Foreign Secretary’s personal investment and sense of urgency in tackling the issue. Hague’s calls for international support conveyed the expectation that other strong states ought to feel similarly driven both by a normative sense that wartime sexual violence is wrong (akin to the slave trade) and that ending it constitutes sound foreign policy. The following excerpt from an appeal for support to the US domestic public in the Huffington Post encapsulates the normative and strategic angles of Hague’s lobbying approach:

[A]s eight of the world’s leading nations we have a responsibility to confront vast global issues as well as immediate crises. My personal priority during the UK’s Presidency of the G8 this year is to secure new international action against the use of rape and sexual violence as a weapon of war. Just as it fell to our forebears to eradicate the slave trade, tackling rape in warzones is a challenge for our generation. We have to deter perpetrators, bring people to justice for crimes, and provide long term support to survivors. Sexual violence is abhorrent in any



setting, and all countries have a responsibility to tackle it at home. But its prevalence in war makes it a foreign policy issue, not just a national concern.<sup>349</sup>

As discussed above, frequent references to the slave trade are indicative both of Hague's personal belief that the international community is capable of ending the use of wartime sexual violence as a weapon and of his sense that there is a moral imperative to do so. Resolution 1820 demonstrated the effectiveness of lobbying for action against sexual violence through the use of the 'weapon of war' frame and the UK's efforts in the lead-up to the G8 Foreign Minister's meeting similarly employed both normative and strategic appeals, as the excerpt below indicates:

This is violence used as a military tactic: to degrade and humiliate the victims themselves and undermine the ethnic, religious or political group to which they belong. It perpetuates divisions and fuels conflict. Survivors are left traumatised, often ill and unable to work, and shunned by society. But if you orchestrate or commit mass rape today the chances are you will still get away with it. Only thirty convictions resulted from the tens of thousands of rapes perpetrated during the Bosnian War. Of the 14,200 cases reported in 1998 in the DRC's South Kivu province, ninety-eight percent were not pursued at all. The international community must do better than this. We have to shatter the culture of impunity for those who commit rape and sexual violence in conflict and extend the hand of support to survivors.<sup>350</sup>

To lead the effort to 'do better', Hague outlined his intentions for the G8 Presidency. Beyond establishing and maintaining the nationally financed Team of Experts, PSVI's first year included two internationally-focused goals: eliciting from G8 member states "practical commitments to help victims on the ground, and support for a new international protocol on the investigation and documentation of sexual violence in

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<sup>349</sup> William Hague. 28 January 2013. "Sexual Violence in War Is Our Generation's Slave Trade." *The Huffington Post*. [http://www.huffingtonpost.com/william-hague/sexual-violence-in-war-is\\_b\\_2551284.html](http://www.huffingtonpost.com/william-hague/sexual-violence-in-war-is_b_2551284.html)

See also: "Sexual violence in war—a new slave trade." 11 April 2013. *Evening Standard*. <http://proxygw.wrlc.org/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=bwh&AN=86878602&site=ehost-live>

<sup>350</sup> William Hague. 28 January 2013. "Sexual Violence in War Is Our Generation's Slave Trade."

conflict”<sup>351</sup>; and appealing for financial support (for existing UN efforts) and action from the broader international community, including EU, UN, NATO, and Organization for Security and Cooperation in Europe (OSCE) member states.<sup>352</sup>

The G8 Foreign Ministers meeting in April 2013 yielded the Declaration on Preventing Sexual Violence in Conflict; Foreign Secretary Hague announced on April 11, 2013 that the assembly had reached an agreement that “rape during war is a grave breach of the Geneva Conventions” and their first Protocol and pledged £23 million (\$35.5 million) in funding to address sexual violence in war, of which the Foreign & Commonwealth Office and Department for International Development pledged £20 million and the United States pledged \$10 million.<sup>353</sup>

By declaring wartime sexual violence a breach of the Geneva Conventions G8 member states took on the responsibility of tracking down and prosecuting perpetrators.<sup>354</sup> The Declaration also committed G8 member states to the development of an International Protocol on the Investigation and Documentation of sexual violence in conflict, which the UK Government led in collaboration with civil society,<sup>355</sup> and renewed efforts to train national military and police personnel deployed to conflict and

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<sup>351</sup> William Hague. 28 January 2013. “Sexual Violence in War Is Our Generation’s Slave Trade.”

<sup>352</sup> William Hague. 28 January 2013. “Sexual Violence in War Is Our Generation’s Slave Trade.”

<sup>353</sup> Joe Murphy. 11 April 2013. “Historic G8 agreement to tackle rape in war zones.” *Evening Standard*.

<http://proxygw.wrlc.org/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=bwh&AN=86878621&site=ehost-live>

Foreign & Commonwealth Office. 11 April 2013. *Declaration on Preventing Sexual Violence in Conflict*. 2.

Office of the Spokesperson. 11 April 2013. “United States Announces \$10 Million in Support for G-8 Preventing Sexual Violence Initiative.”

<http://www.state.gov/r/pa/prs/ps/2013/04/207396.htm>

<sup>354</sup> Foreign & Commonwealth Office. 11 April 2013. *Declaration on Preventing Sexual Violence in Conflict*.

<sup>355</sup> Foreign & Commonwealth Office. 11 April 2013. *Declaration on Preventing Sexual Violence in Conflict*. 3.

post-conflict zones to recognize and understand the implications of wartime sexual violence.<sup>356</sup> Throughout the Declaration PSVI's emphasis on ending sexual violence by eliminating impunity is visible, as is the general sense that sexual violence in war constitutes a security and stabilization issue, especially when it is used systematically as a weapon. In a notable departure from past international rhetoric, however, the Declaration includes men and boys in its discussion of sexual violence as a weapon of war, noting the "importance of responding to the needs of men and boys who are victims" and the need to "provide comprehensive support services to victims, be they women, girls, men or boys."<sup>357</sup> The Declaration expanded consideration of sexual violence as a weapon to men and boys and called more generally for international action in response to sexual violence during the first phases of humanitarian action. According to the Declaration, sexual violence is not only a security issue, as established by Resolution 1820, but it must be considered a top priority security issue when the international community responds to conflict situations. Continuing to lead the charge against wartime sexual violence through his Government's positions of international influence, Hague announced during the G8 Foreign Ministers meeting that he would open a debate on sexual violence within the UN Security Council during the UK's presidency in June 2013.

*UN Security Council Presidency, June 2013, Resolution 2106*

On June 24, 2013 the UN Security Council unanimously adopted Resolution 2106, the sixth resolution on Women, Peace, and Security and the fourth of those six to specifically address wartime sexual violence. Resolution 2106 was co-sponsored by 46

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<sup>356</sup> Foreign & Commonwealth Office. 11 April 2013. *Declaration on Preventing Sexual Violence in Conflict*. 4-5.

<sup>357</sup> Foreign & Commonwealth Office. 11 April 2013. *Declaration on Preventing Sexual Violence in Conflict*. 2.

UN member states, including Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liberia, Lithuania, Luxembourg, Montenegro, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay.<sup>358</sup> A truly international effort, the Resolution nevertheless bears the hallmarks of—and explicit references to—Foreign Secretary Hague’s advocacy and the central goals of PSVI.

Resolution 2106 builds on previous resolutions on Women, Peace, and Security, adds specificity to previous resolutions’ stated goals and mechanisms, and urges UN Member States and agencies to take action in response to wartime sexual violence. Although Resolution 2106 maintains the Security Council’s focus on sexual violence as a weapon or tactic of war, it broadens the scope of sexual violence to include men and boys as victims and recognizes that women’s human rights and empowerment are inextricably linked to the root causes and long-term consequences of wartime sexual violence.<sup>359</sup> The call for action and expanded scope of sexual violence in Resolution 2106 are both traceable to the efforts made under the auspices of PSVI during its first year.

On June 7, 2013, in preparation for an open debate at the Security Council, the Permanent Representative of the United Kingdom circulated a concept note on

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<sup>358</sup> United Nations Security Council. 24 June 2013. 6984<sup>th</sup> meeting. S/PV.6984. 2.

<sup>359</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 1-2.

UN Women. 27 June 2013. “UN Women welcomes the unanimous adoption of Security Council resolution 2106 on conflict-related sexual violence.”  
<http://www.unwomen.org/en/news/stories/2013/6/un-women-welcomes-the-unanimous-adoption-of-security-council-resolution-2106>

addressing impunity for sexual violence in conflict. The note provided background information on sexual violence and actions the Security Council had taken in response in recent years, noting: “Sexual violence in conflict is a fundamental peace and security concern.”<sup>360</sup> In broadening the scope of sexual violence beyond the image of the ‘weapon of war’, the note is careful to emphasize that opportunistic sexual violence and intimate partner violence in conflict zones still jeopardize stability and security (and therefore fit within the Security Council’s mandate):

Sexual violence in conflict has a number of manifestations. It is sometimes used as a deliberate tactic or strategy by one group against another with the intention of destroying, degrading or humiliating political opponents or members of ethnic and religious groups. It is sometimes the result of the individual behaviours of poorly trained and ill-disciplined armed forces. Often, it can be invisible, opportunistic assaults by acquaintances or family members, which can escalate when society breaks down. Yet, the result remains the same: a devastating effect on individuals and their communities and the collapse of established social norms and structures, leading to detrimental impacts on future opportunities for peace and security.<sup>361</sup>

The concept note reiterates the Security Council’s previous efforts to address wartime sexual violence and observes that impunity for such atrocities continues despite the “solid framework to prevent and address conflict-related sexual violence” put in place through Resolutions 1820, 1888, 1960, and 1325.<sup>362</sup>

The objectives for the Security Council open debate, as outlined in the June 7, 2013 concept note, are indicative of the UK’s influence and the intention to garner

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<sup>360</sup> United Nations Security Council. 7 June 2013. “Letter dated 7 June 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations address to the Secretary-General.” S/2013/335. 2.

<sup>361</sup> United Nations Security Council. 7 June 2013. “Letter dated 7 June 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations address to the Secretary-General.” S/2013/335. 2.

<sup>362</sup> United Nations Security Council. 7 June 2013. “Letter dated 7 June 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations address to the Secretary-General.” S/2013/335. 2.

Security Council and broader UN support for PSVI's initiatives. The focus on national and international justice mechanisms stems from PSVI's core aim of eliminating sexual violence in armed conflict through ending impunity. That the objectives for the Security Council debate include not only international and national courts but also truth and reconciliation commissions and mobile courts demonstrates progress toward recognizing mechanisms developed by NGOs and Southern states, two groups from whom Foreign Secretary Hague sought input when determining the best way forward for PSVI and the broader international efforts to end wartime sexual violence.<sup>363</sup>

The resulting Resolution 2106 expands the scope of conceivable responses established by previous resolutions, beginning with Resolution 1820, and establishes clear political and legal mechanisms through which the Security Council, Secretary-General, UN agencies, and Member States should act in response to wartime sexual violence. At the outset of the Security Council debate, Secretary-General Ban Ki-moon noted the need to expand the definition of 'victims' of sexual violence but maintained the focus on sexual violence as a weapon:

Sexual violence occurs wherever conflict rages. It has devastating effects on survivors and destroys the social fabric of whole communities. While women and girls suffer disproportionately from these vicious crimes, men and boys are also targeted. Sexual violence is a crime under international human rights law and a threat to international peace and security. When used as a weapon of war, it can significantly exacerbate conflict and seriously hamper reconciliation.<sup>364</sup>

The Resolution dispels the "myths that sexual violence in armed conflict is a cultural phenomenon or an inevitable consequence of war or a lesser crime"<sup>365</sup>, building on the

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<sup>363</sup> United Nations Security Council. 7 June 2013. "Letter dated 7 June 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations address to the Secretary-General." S/2013/335. 4.

<sup>364</sup> United Nations Security Council. 24 June 2013. 6984<sup>th</sup> meeting. S/PV.6984. 3.

<sup>365</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 1.

precedent set by Resolution 1820. Where Resolution 2106 broadens the potential for recognition of wartime sexual violence is in both its recognition of men and boys as primary and secondary victims of sexual violence and in its emphasis on addressing the root causes of sexual violence by promoting “women’s political, social and economic empowerment” and gender equality.<sup>366</sup> By maintaining the Security Council’s preferred focus on sexual violence as a “method or tactic of war or as a part of a widespread or systematic attack against civilian populations”<sup>367</sup> but linking the issue back to the women’s human rights framework that initially motivated transnational advocacy in the mid-1990s, Resolution 2106 improves the chances of a strong and successful international response to wartime sexual violence.

In addition to broadening the scope of wartime sexual violence and linking the ‘weapon of war’ frame back to women’s human rights and gender equality issues, Resolution 2106 gives the UN and Member States a clearer mandate to respond to sexual violence and adds specificity to the mechanisms outlined in the previous resolutions on sexual violence as a weapon of war. The Resolution recognizes the G8’s Declaration on Preventing Sexual Violence in Conflict, thereby upholding the agreement reached by G8 member states that sexual violence as a weapon of war constitutes a breach of the Geneva Conventions and that states must make actual commitments to eliminating the use of sexual violence as a tactic of war.<sup>368</sup> Resolution 2106 calls on “Member States to comply with their relevant obligations to continue to fight impunity by investigating and prosecuting those subject to their jurisdiction who are responsible for such crimes” and to “include the full range of crimes of sexual violence in national penal legislation to enable

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<sup>366</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 1.

<sup>367</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 2.

<sup>368</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 1.

prosecutions for such acts”, obligations made feasible through the agreement that sexual violence as a weapon of war constitutes a breach of the Geneva Conventions.<sup>369</sup> The resolution builds on the mechanisms established by Resolutions 1820, 1888, and 1960, calling specifically for more: “systematic monitoring”; “review of peacekeeping and political mandates, public statements, country visits, fact-finding missions, international commissions of inquiry, consultations with regional bodies and in the work of relevant Security Council sanctions committees”; “timely, objective, accurate and reliable information as a basis for prevention and response”; and cooperation on existing commitments and implementation efforts among “all relevant parties”.<sup>370</sup> Resolution 2106, in addition to making prior Security Council commitments more explicit, attempts to bridge or consolidate the efforts of the Security Council, Secretary-General, UN agencies, and states and NGOs already working to eliminate wartime sexual violence; this attempt to strengthen international collaboration and avoid duplication of efforts is in sync with Foreign Secretary Hague and the Foreign & Commonwealth Office’s endeavors to strengthen the international response to sexual violence in armed conflict with wasting resources on duplicative efforts. As is clear from the efforts at Wilton Park, the G8, and the UN Security Council, the initiative’s focus is on “not duplicating work but complementing and building on existing efforts and taking all of our [the international community’s] efforts to the next level.”<sup>371</sup>

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<sup>369</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 2.

<sup>370</sup> United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106. 3-4.

<sup>371</sup> Remarks by Emma Wade to the Missing Peace Symposium. 14 February 2013. Washington, DC.



### *Alternative Arguments in Context*

PSVI and the political maneuvers that made it an international effort present a formidable challenge to the two main alternative arguments. Neither the state interest explanation nor the gender composition explanation finds significant support from this case study, unlike the central framing argument and its facilitative conditions.

The UK Government has institutionalized its response to wartime sexual violence through the establishment of PSVI and its lobbying efforts encouraged other states to do the same. Through the financial commitments and international legal agreements discussed above, the UK committed itself—and secured commitments from other states—to more consistent efforts to address wartime sexual violence. Such institutionalization is out of step with interest-based predictions of state behavior. Aside from the legal agreements and funding commitments made at the G8, the establishment and funding of the UK-based Team of Experts is one of the clearest and most permanent institutional and human responses resulting from PSVI's first year.

In its first year of operation the Team of Experts deployed to Bosnia, Libya, and the Syrian border to build capacity for investigations, medical assistance, and prosecution. The deployments were not intended to be shaming maneuvers but aimed instead to build each country's capacity to collect evidence, render assistance to survivors of sexual violence, and successfully prosecute sexual violence crimes or facilitate international efforts to prosecute these crimes.<sup>372</sup> One British official described the response from host countries as generally accepting of the assistance: "There has been great receptivity. Obviously there has been some sensitivity towards being labeled as a

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<sup>372</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC. Remarks by Emma Wade to the Missing Peace Symposium. 14 February 2013. Washington, DC.

country that suffers from this. But I don't think we've had objection from any countries, or a sense that they do not want to work with us, so I think they see the value in some of the things we are trying to do, like improving investigative methods, evidence collection, and that sort of thing."<sup>373</sup> If PSVI were driven by strategic interests or the desire to shame an adversary, the efforts would focus less on capacity-building and more on pinpointing culpability and graphically describing atrocities. The efforts during the first year of PSVI involved the use of conflict analogies—such as Syria and Bosnia—to bolster the 'weapon of war' frame and increase international recognition of the need to act, but the lobbying efforts consistently placed the burden of shame on the international community and focused on the normative mandate to eliminate sexual violence. Deploying legal and medical experts to conflict and post-conflict regions is neither glamorous nor attention-grabbing, but it does stand to address the root problem of impunity for sexual violence.

Beyond the Team of Experts, Foreign Secretary Hague's efforts to build support not only for PSVI but for a broader and better coordinated international response to wartime sexual violence did not target any one state or region. The UK Government has also broached the subject of sexual violence with allies and new or fragile states whom it is working to stabilize. The state interest argument would not anticipate this type of effort, as a culturally sensitive and internationally stigmatized issue like sexual violence can inflame tensions rather than create a solid relationship. Evidence from the PSVI case suggests that the issue of sexual violence is now an international priority on its own, apart from strategic interests and often in opposition to them. Referring to PSVI's efforts in Somalia, a British official remarked:

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<sup>373</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC.

We very visibly want to help build it up and help advance the aims of the government and yet we're pushing the president and his new government to take this issue more seriously and to be more actively engaged in this issue at a time when they want to do that but they want to do it slowly. We're rushing them. *For me, if it was purely about, if our only interest was to build up the government of Somalia then we wouldn't need to focus on this right now.* There are many other stabilization issues that we need to address. So by addressing sexual violence we are kind of contradicting that. *Somalia is a friend of ours that we as the West are trying to build up and yet we're pushing the government on sexual violence.*<sup>374</sup>

As a priority in and of itself, eliminating sexual violence can complicate and run counter to strategic interests, but the UK Government views the initiative as an essential contribution to stabilization, women's empowerment, and humanitarian aid. PSVI demonstrates that addressing sexual violence has become a state interest.

William Hague's centrality to the PSVI story provides a counter to the claim that women in leadership positions will be more likely to advance policies and agendas that focus on women's issues. Although the case, of course, does not suggest that female leaders are *unlikely* to advance such policies and agendas, it does provide further evidence that the presence of a strong female leader may not be a *necessary* condition at this point in the development of the international response to wartime sexual violence. As the Resolution 1820 case and previous chapters have articulated, the international response to wartime sexual violence has increased in strength and consistency as the 'weapon of war' frame has overtaken the women's human rights or violence against women frame. PSVI does not focus on sexual violence as a women's issue, even though women's empowerment is included among its goals and provisions.

The presence of a strong male advocate for efforts to eliminate sexual violence further distances the issue from the realm of 'women's issues' by virtue of the chief

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<sup>374</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC. Emphasis added.

advocate's sex and demonstrates that the ability to make progress on sexual violence is not limited to influential women. Articles, remarks, and interviews on PSVI have returned time and again to William Hague's personal motivation and strong leadership in this particular case, noting that much of PSVI's initial success is attributable to his advocacy and coalition-building efforts.<sup>375</sup> A British official posited that the fact that Hague is a man makes a significant contribution to international efforts to address wartime sexual violence because it challenges the assumption that only female leaders and advocates care about the issue:

I think it's helpful that the Foreign Secretary is a man. Secretary Clinton has put so much effort into this issue and to women's issues in general. Given that most of the people put in these positions tend to be women, I think it's very important that we have a man. [...] At least for us having the Foreign Secretary so taken with the issue has helped others who may not have taken the issue seriously take the issue seriously. That was one of the things as the G8 approached. The US emphasized quite often that we need to understand that this is not just a women's issue, in terms of who the victims are.<sup>376</sup>

By taking up the issue of wartime sexual violence Hague, as an influential *man*, provided greater legitimacy to sexual violence as a security issue and affirmed that it is limited to female leaders' priorities. Will other male leaders become strong advocates for the elimination of sexual violence? Civil society activists such as Dennis Mukwege of the DRC have of course left their mark on the development of the international response, but as the case studies herein have demonstrated the immense efficacy of *state* efforts, future research on advocacy from male government officials will add much to the understanding of this issue.

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<sup>375</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC. Remarks by Emma Wade to the Missing Peace Symposium. 14 February 2013. Washington, DC. United Nations Security Council. 24 June 2013. 6984<sup>th</sup> meeting. S/PV.6984

<sup>376</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC.

#### **5.4. Conclusion**

Framing sexual violence as a weapon of war guaranteed the success of Resolution 1820 and laid the foundation for subsequent resolutions, national financial commitments, and future international political efforts to condemn wartime sexual violence, including PSVI. By clarifying the scope of sexual violence that they intended for the Security Council to recognize, advocates working on behalf of Resolution 1820 made a complex issue more manageable and more clearly relevant as an international security issue. An issue's frame gains credibility and effectiveness through certain facilitative conditions. The use of sexual violence in the DRC as an example of sexual violence as a weapon of war and the comparison of the situation in the DRC to the atrocities in Bosnia allowed members of the Security Council in 2008 to view sexual violence as a weapon of war in graphic, concrete terms that were not only understandable but profoundly disturbing. Advocates' ability to influence Security Council members through personal ties to ambassadors and through US influence and support provided a second facilitative condition that encouraged Security Council members to take seriously the concept of sexual violence as a weapon of war and adopt a resolution that committed the Security Council and the Secretary-General to act in response to wartime sexual violence used as a tactic of war.

PSVI involves a broader understanding of sexual violence in armed conflict and ties the issue back to women's empowerment while at the same time recognizing that men and boys are also primary and secondary victims of sexual atrocities. William Hague and other advocates working to internationalize PSVI's goals and increase the international community's legal and financial responses to wartime sexual violence nevertheless focused on the 'weapon of war' frame. The consistent refrains of 'sexual

violence as a weapon’, ‘sexual violence as a tactic of war’, and ‘systematic sexual violence’ demonstrate the high utility of the ‘weapon of war’ frame for evoking international action and commitments. Although PSVI’s core goal of ending impunity for sexual violence addresses a wider scope of sexual violence and includes heretofore unrecognized victims (male civilians), the international lobbying efforts tied to the initiative recall the frame that made previous Security Council resolutions and national efforts successful. The ‘weapon of war’ frame is a powerful advocacy tool.

Framing sexual violence as a weapon of war has profound implications for the international community’s ability and willingness to respond to sexual violence in its various forms. When cases of conflict-related sexual violence do not fit within the ‘weapon of war’ frame states and organizations find it difficult to determine what constitutes an appropriate response. Deployment-related opportunistic sexual violence and exploitation by peacekeepers and members of states’ armed forces, for example, is an issue that is often overlooked because of the dominant narrative’s focus on sexual violence as a weapon of war. Conflicts in which the rationale for sexual violence is unclear, as in the cases of Libya and Syria, lead states and organizations to hesitate before responding; the fact that the international response to wartime sexual violence has emphasized the prominence of widespread and systematic sexual violence as a weapon leaves policymakers and even advocates with a sense of uncertainty in the face of isolated reports of sexual violence in conflict zones. Finally, certain groups of victims and survivors are left out of the discourse on wartime sexual violence. Men, boys, female combatants, children born of wartime rape, and civilian women and girls who are members of the aggressor’s ethnic or political group who have experienced sexual

violence are rarely discussed. The focus on sexual violence as a weapon has motivated decisive action in many cases and has greatly increased political discussion of wartime sexual violence as a general issue. The increased recognition of wartime sexual violence as a weapon has overturned centuries of silence surrounding a grave humanitarian issue. Framing sexual violence as a weapon of war has led to incredible developments in the response to this atrocity but, as all frames inherently do, this frame focuses international attention on a specific subset of conflicts and survivors to the exclusion of others. Chapter 6 explores each of these implications and their relation to—or, rather, exclusion from—the ‘weapon of war’ frame.

## Chapter 6

### Implications and Conclusion

“No one is paying enough attention to sexual violence in Syria and Libya. Even human rights groups say it’s not happening or, if it is, we can’t talk about it.”<sup>377</sup>

The international community of states, international organizations (IOs), non-governmental organizations (NGOs), and civil society advocates has come to recognize and respond to sexual violence as a weapon of war with increasing frequency and strength. The ‘weapon of war’ frame for sexual violence, which emerged and became the dominant understanding of sexual violence during the course of the past two decades, provides international actors with a simplified image of a very complex spectrum of violence. By narrowing the scope of wartime sexual violence to systematic sexual atrocities committed by combatants against civilians, the ‘weapon of war’ frame has enabled the security-minded states and IOs discussed in the dissertation’s previous chapters to respond to cases of wartime sexual violence instead of dismissing sexual violence as an inevitable consequence of war. The promising developments in the international response to wartime sexual violence to date are attributable to the perception of sexual violence as a horrific and deliberate weapon and a threat to international peace and security.

The success of the ‘weapon of war’ frame, however, comes at a cost. The understanding of sexual violence as a weapon of war is predicated on the exclusion of certain forms of sexual violence and types of victims and survivors from consideration. The ‘weapon of war’ frame, like any international issue’s frame, must exclude some

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<sup>377</sup> Interview with expert legal advisor. 18 June 2012. New York, NY.



aspects of the broad definition of sexual violence in order to achieve its appealing simplicity. The result is variation in the international response to wartime sexual violence. Armed conflicts in which the use of sexual violence is ambiguous or not clearly linked to military strategy are less likely to trigger an international response than conflicts in which advocates can successfully demonstrate that sexual violence has systematic and strategic characteristics. Victims and survivors who do not fit the ingrained image of innocent civilian women and girls violated by enemy combatants are similarly unlikely to receive recognition and assistance. Variation in the international response to types of sexual violence, conflicts, and victims and survivors suggests that the ‘weapon of war’ frame has powerful implications for the effectiveness of the international response. In contrast with the previous chapters’ discussion of the impact of the ‘weapon of war’ frame on the development of the international response to wartime sexual violence, this chapter acknowledges the conflicts, atrocities, and people *left out* of the frame and the significance of these exclusions.

The chapter proceeds as follows: section 6.1 summarizes the dissertation’s findings on the ‘weapon of war’ frame’s development and impact before introducing the ways in which the international response to wartime sexual violence varies as a result of the frame’s simplified definition of sexual violence; section 6.2 discusses variation in the international response to armed conflicts involving sexual violence as well as forms of sexual and gender-based violence; section 6.3 identifies the broad groups of victims and survivors of sexual violence who are often unrecognized by international political and legal responses to wartime sexual violence; section 6.4 introduces the implications for International Relations of understanding sexual violence as a weapon of war; and section

6.5 offers a summary of the dissertation's findings and suggests avenues for further research.

### **6.1. Sexual Violence as a Weapon of War**

How do we know the 'weapon of war' frame motivates international action in response to cases of wartime sexual violence? Discussions of sexual violence that emphasize its systematic and strategic nature, refer to it as a tactic or a weapon of war or genocide, and draw a link between abuses and the security or stability of a locality, state, region, or the international community take place within the 'weapon of war' frame. As the case studies in Chapter 4 and Chapter 5 illustrate, these security-focused discussions of systematic sexual violence and sexual violence used against civilians as a deliberate tactic or weapon of war coincided with major developments in the international political response to wartime sexual violence. Recognition of sexual violence as a weapon in a particular armed conflict, such as the Democratic Republic of the Congo (DRC), and advocates' emphasis on the systematic and widespread nature of sexual atrocities leads states and IOs to commit political, financial, and human resources to preventing and mitigating sexual violence. Sexual violence that is used systematically or strategically against civilians, especially when those civilians are women and young girls, gets attention; when viewed as a weapon of war sexual violence resembles the more conventional weapons that states and IOs are accustomed to condemning and prohibiting. By framing sexual violence as a weapon advocates have narrowed the scope of a complex form of gender-based violence to such an extent that states, IOs, and security-minded individuals and NGOs are able to understand and prioritize the issue within their existing goals and mandates.

The concept of sexual violence as a weapon of war focuses on the use of sexual violence as an *instrument*, a tool through which war's aims can be accomplished.<sup>378</sup> Given the emergence of international recognition of systematic sexual violence in the wake of the genocidal conflicts in the former Yugoslavia and Rwanda in the 1990s, the narrative surrounding sexual violence as a weapon of war initially focused on rape and forced impregnation as methods of ethnic cleansing.<sup>379</sup> The use of sexual violence as a weapon, whether in the midst or absence of genocidal aims, relies on certain key gendered ideologies about the role of women, the origins of national or ethnic identity, and honor and shame. The image of "women's bodies as symbols of the nation, markers of the in-group, and national 'property' to be defended and protected by men" serves as a powerful motivation to defend the nation or in-group as well as a rationale for attacking women's bodies.<sup>380</sup> If women symbolically represent the body politic, the sexual violation of women signals the entire out-group's ultimate defeat and communicates the emasculation of its men through their inability to protect 'their' women.<sup>381</sup> Sexual violence as a tool of ethnic cleansing draws its power from assumptions about the origins of identity and gender norms linking a woman's honor to sexual purity. Rape with the

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<sup>378</sup> Doris E. Buss. 2009. "Rethinking 'Rape as a Weapon of War'". *Feminist Legal Studies* 17(2):148; Catharine A. MacKinnon. 1994. "Turning rape into pornography: Postmodern genocide," in Alexandra Stiglmeier, ed. *Mass rape: The war against women in Bosnia-Herzegovina*. Lincoln, NE: University of Nebraska Press. 75; Rhonda Copelon. 1994. "Surfacing gender: Reconceptualizing crimes against women in time of war," in Alexandra Stiglmeier, ed. *Mass rape: The war against women in Bosnia-Herzegovina*. Lincoln, NE: University of Nebraska Press. 205.

<sup>379</sup> Lindsay Stark and Mike Wessells. 2012. "Sexual Violence as a Weapon of War." *JAMA* 308(7): 677.

<sup>380</sup> Joshua Goldstein. 2001. *War and Gender: How Gender Shapes the War System and Vice Versa*. New York: Cambridge University Press. 369; Susan Brownmiller. 1975. *Against our will: Men, women and rape*. New York: Simon and Schuster. 13.

<sup>381</sup> Jean Bethke Elshtain. 1987. *Women and War*. New York: Basic Books. 67; 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.

goal of forced impregnation and maternity (as in the Serbian ethnic cleansing campaign against Bosnian Muslims) relies on a patrilineal view of identity, or the cultural assumption that a child derives his or her identity from the father alone.<sup>382</sup> If a woman or girl's honor (and the family's honor, by extension) is tied to her sexual purity, then a mass rape campaign is a particularly destructive method of terror, degradation, and humiliation, and is an effective way to 'cleanse' a region through forced expulsion.<sup>383</sup> Sexual violence as an instrument, tactic, or weapon of war in general or of ethnic cleansing and genocide in particular is deliberate, "systematic, pervasive, or officially orchestrated";<sup>384</sup> its strength as a weapon is drawn from accepted notions of gender, sexuality, and the relative status of women and men in society.<sup>385</sup>

The 'weapon of war' frame has increased the international community's tendency to respond to cases of armed conflict in which international advocates and decision-makers perceive sexual violence as a tactic or weapon of war. Two approaches to understanding wartime sexual violence emerged through the early international political responses to systematic rape in the former Yugoslavia and Rwanda in the mid-1990s: (1) sexual violence as gender-based violence and a violation of women's human rights and (2) sexual violence as a weapon of war. The transnational advocates who fought for recognition of women's human rights and brought attention to the sexual atrocities in the

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<sup>382</sup> Patricia A. Weitsman. Forthcoming. "Constructions of Identity and Sexual Violence in Wartime: The Case of Bosnia," in Amy E. Randall, ed. *Genocide and Gender in the Twentieth Century: A Comparative Survey*. London: Bloomsbury Publishing. 4; Patricia A. Weitsman. 2008. "The politics of identity and sexual violence: A review of Bosnia and Rwanda." *Human Rights Quarterly* 30(3): 561-578.

<sup>383</sup> Kelly Dawn Askin. 1997. *War Crimes Against Women: Prosecution in International War Crimes Tribunals*. Boston: Martinus Nijhoff. 262-263.

<sup>384</sup> Buss 2009, 149; Catherine N. Niarchos. 1995. "Women, war, and rape: Challenges facing the International Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 17: 658.

<sup>385</sup> Weitsman, forthcoming, 5-6.

former Yugoslavia and Rwanda, as discussed in Chapter 3, focused on creating mechanisms for empowerment and women's increased participation in conflict resolution and peacebuilding. Accordingly, feminists and advocates who worked to strengthen the notion that women's rights are human rights were hesitant to emphasize the exceptional nature of systematic rape in the former Yugoslavia and Rwanda as genocide, concerned that too narrow a focus on mass rape as a weapon of ethnic cleansing would obscure other, more common forms of gender-based violence.<sup>386</sup> Discussion of wartime sexual violence in conjunction with the 'women's human rights' frame persisted through the 1990s and the adoption of UN Security Council Resolution 1325, which recognized war's impact on women and girls and sought to institutionalize women's presence in peacebuilding operations and institutions.<sup>387</sup>

The systematic nature of the sexual atrocities in the former Yugoslavia and Rwanda did not fade from political memory; rather, the scale and form of sexual violence in these two conflicts became the basis for conflict analogies that policymakers and advocates began to use to observe and understand later cases of wartime sexual violence. The 'weapon of war' frame for sexual violence gathered strength as policymakers recalled the situation in the former Yugoslavia when expressing their horror at the widespread sexual violence in the DRC beginning in 2003, as discussed in Chapter 4.<sup>388</sup>

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<sup>386</sup> Buss 2009, 149. Copelon 1994.

<sup>387</sup> United Nations Security Council. 31 October 2000. Security Council Resolution 1325. S/Res/1325.

<sup>388</sup> See, for example: December 4, 1996. "State Department on Refugee Crisis in Central Africa" in *Historic Documents of 1996*. Washington: CQ Press. 815.  
<http://library.cqpress.com.proxygw.wrlc.org/historicdocuments/hcdc96-0000035254>; State Department. May 13, 2009. "Testimony before the U.S. Senate Subcommittees on African Affairs, and Human Rights, Democracy, and Global Women's issues". Testimony by Melanne Vermeer; State Department. September 30, 2009. "Remarks on the Adoption of a United Nations Security Council Resolution to Combat Sexual Violence in Armed Conflict." Remarks by Hillary

Beginning in 2003, advocates who urged the international community to respond to wartime sexual violence focused their efforts on the ‘weapon of war’ frame, emphasizing the systematic and widespread nature of sexual violence in conflicts and protracted situations of instability. This frame resonated successfully with national policymakers and members of the UN Security Council, ultimately leading to the adoption of UN Security Council Resolution 1820 in 2008. Resolution 1820 and subsequent resolutions (Resolutions 1888, 1960, and 2106) focused on sexual violence as a weapon of war, condemning the systematic targeting of civilians and citing the impact of sexual violence on long-term political instability.<sup>389</sup> The framework established by these resolutions situated sexual violence as a security issue. As the ‘weapon of war’ frame became dominant, security-minded states, organizations, and institutions began to seek out ways to become involved in international efforts to recognize, address, and mitigate wartime sexual violence; the ‘weapon of war’ frame demonstrated to powerful international actors that sexual violence is not solely a women’s issue but a matter of concern to those who seek to promote international peace and security.<sup>390</sup>

The perception that sexual violence has occurred as part of an armed group’s strategy signals that a particular case of wartime sexual violence fits within the dominant, accepted ‘weapon of war’ frame and triggers a reaction from states, IOs, and NGOs. The effect of the ‘weapon of war’ frame has been an overall increase in recognition of wartime sexual violence as a general issue and stronger political responses and material

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Rodham Clinton; State Department. January 8, 2010. “Remarks on the 15<sup>th</sup> Anniversary of the International Conference on Population and Development.” Address by Hillary Rodham Clinton.

<sup>389</sup> United Nations Security Council. 30 September 2009. Security Council Resolution 1888.

S/Res/1888; United Nations Security Council. 16 December 2010. Security Council Resolution 1960. S/Res/1960; United Nations Security Council. 24 June 2013. Resolution 2106. S/Res/2106.

<sup>390</sup> Group interview with UN staff members. 31 May 2013. Telephone.

and human commitments to cases of wartime sexual violence that fit within the frame. Discussing sexual violence as a weapon of war gets results. Although the frame has brought about significant improvements in the recognition of wartime sexual violence and has distanced sexual violence from its historical acceptance as an inevitable by-product or spoil of war, it creates substantial obstacles for international political action in certain cases.

The centrality of the ‘weapon of war’ frame leads to hesitation on the part of decision-makers within states and IOs, who feel they may only craft a response to a case of wartime sexual violence once it is clear that sexual violence bears all the hallmarks of a weapon or tactic of war.<sup>391</sup> Despite its simplicity, the ‘weapon of war’ frame for sexual violence is difficult to apply to conflict situations as they unfold, often with ambiguous or sparsely documented cases of sexual violence. Documentation of a military strategy involving mass rape or strategic sexual violence is incredibly difficult to obtain in the course of active armed conflict, especially if humanitarian organizations or journalists have limited access to civilians, political prisoners, or other presumed victims. The reliance on the ‘weapon of war’ frame, while it has motivated international political action, has narrowed the international community’s recognition of sexual violence. As Chapter 2 noted, and as the epigraph above indicates, international political efforts to respond to sexual violence in Guinea, Colombia, Haiti, Mexico, Libya, and Syria have been weak or altogether absent, especially when compared to the international political responses and material commitments to address and mitigate sexual violence in the

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<sup>391</sup> Interview with USAID official. 5 September 2012. Washington, DC; interview expert legal advisor. 18 June 2012. New York.

former Yugoslavia, Rwanda, the DRC, and Darfur.<sup>392</sup> The difference stems from the easily identifiable use of sexual violence as a weapon in the latter cases.

The effect of the ‘weapon of war’ frame on decision-makers’ ability or willingness to respond to cases of wartime sexual violence points to two broad implications of the frame, which the following sections will address. First, the ‘weapon of war’ frame creates variation in the international response to specific conflicts and types of sexual violence. Second, it obscures particular categories of victims and survivors who do not readily resemble the image of an ‘innocent victim’ of weaponized sexual violence in the context of a specific conflict.

## **6.2. Variation in the International Response: Conflicts and Types of Sexual Violence**

The international community’s focus on sexual violence as a weapon of war allowed international political responses to certain cases of wartime sexual violence to become stronger over time and directed more attention to the issue in general, but the ‘weapon of war’ frame also limits the international political response to particular conflicts and types of sexual violence. Armed conflicts in which sexual violence is perceived to be opportunistic or is otherwise difficult to document convincingly as a type of widespread, systematic attack on civilians fail to elicit a response from the international community. Perception of the systematic nature of sexual violence is also susceptible to political influence and complications stemming from power politics. If the international community does respond to such conflicts, the response tends to be limited in scope and strength, and may come months or years after initial reports of sexual violence. The ‘weapon of war’ frame implies that sexual violence is used strategically as

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<sup>392</sup> Interview with expert legal adviser. 18 June 2012. New York.



a weapon against civilians—and predominantly civilian women and girls—and, as such, excludes opportunistic sexual violence and the broader spectrum of conflict-related sexual and gender-based violence. This section will address both implications of the ‘weapon of war’ frame.

### *Variation in the Response to Specific Conflicts*

The ‘weapon of war’ frame for sexual violence grew stronger and diffused throughout the international community in part through advocates’ and policymakers’ use of salient conflict analogies, as discussed in previous chapters. The conflicts in Bosnia, Rwanda, and the DRC are the three particularly powerful analogues that shaped the international community’s perception of what constitutes horrific, systematic wartime sexual violence. Although salient conflicts brought more attention to the general issue of wartime sexual violence and elicited stronger political and legal responses from the international community, these conflicts tend to eclipse other cases of wartime sexual violence, especially when other cases involve sexual violence on a smaller scale (whether this difference is the result of underreporting or difficulty of access to witnesses, merely perceived, or actual) or in different forms.

One powerful example of the potential for variation in the international response is the non-response to sexual violence in Chechnya. Limited evidence of sexual violence in the First and Second Chechen Wars resembles strategic sexual violence, but the international community failed to respond to this case. Confirmation of sexual violence in the First Chechen War (1994 to 1996) was difficult, due to limited access to witnesses and civilians in Chechnya as well as social and cultural stigmas linked to sexual violence that prevented survivors and victims’ families from speaking openly about what had

happened to them.<sup>393</sup> The First Chechen War also coincided with the very early stages in the development of the international response to wartime sexual violence; the international community was grappling with thoroughly documented systematic sexual violence in the former Yugoslavia and Rwanda and the presence of a very vocal transnational network calling for a response to these two cases. The political discussion of sexual violence focused entirely on the former Yugoslavia and Rwanda.

Despite the difficulty of documenting sexual violence in the First Chechen War, international human rights groups were able to compile accounts of sexual violence committed by Russian government forces during the Second Chechen War (August 1999 through April 2009). Amnesty International reported on sexual violence throughout 2000—incidentally, the reporting coincided with the debates on UN Security Council Resolution 1325 on Women, Peace, and Security—and noted that there were indications that Russian government forces were using sex crimes as “instruments of torture, terror, and destruction” against men, women, and children.<sup>394</sup> States and IOs did not respond to sexual violence in Chechnya with any discernible strength.

The case of Chechnya demonstrates that several factors can influence variation in the international response to a given case of wartime sexual violence. First, lack of access to witness accounts (as in the First Chechen War) makes documenting sexual violence extremely difficult and states and IOs will only respond to a situation of wartime sexual violence when the atrocities are clearly systematic and committed on a large scale. Second, salient conflicts can overshadow other, concurrent or later, cases of wartime sexual violence; this is especially true if the characteristics of the unrecognized conflict

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<sup>393</sup> Martina Vandenberg and Kelly Askin. 2001. “Chechnya: Another Battleground for the Perpetration of Gender Based Crimes.” *Human Rights Review* 2(3): 140.

<sup>394</sup> Vandenberg and Askin, 2000, 142-143.

do not resemble those of the salient conflict.<sup>395</sup> Third, political influence is a factor that can shape the international community's perception of the nature of sexual violence. Russia was a party to the conflict in both Chechen Wars and—more importantly—its various government forces and agencies were alleged perpetrators of sexual violence against Chechen men, women, and children. Russia's role in the conflict and its veto power at the Security Council certainly limited any possible action the UN might have taken. It seems more likely, based on Tony Blair's unrelated diplomatic meeting with Vladimir Putin in April 2000 at the same time as a Chechen nurse was in the process of filing a case against Russian government forces with the European Court of Human Rights, that sexual violence in Chechnya simply did not register on the international community's proverbial radar for sexual violence as a weapon of war.<sup>396</sup> The case of Chechnya suggests that the international community's response to wartime sexual violence had not reached the status of an internalized norm in spite of the vast achievements of the past two decades. Responses are still—over a decade later—not automatic or guaranteed and are contingent upon a case's 'fit' (or lack thereof) within the 'weapon of war' frame and intervening political factors. More recently, the international community—not only states and IOs but also, for a long time, NGOs—has been similarly slow to respond to sexual violence in Libya and Syria. As Chapter 5 discussed, the United Kingdom has begun to address sexual violence in Syria, and its involvement is

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<sup>395</sup> A similar situation arose concerning sexual violence in Kosovo: accounts of sexual violence in Kosovo frequently referenced the fact that perpetrators did not use rape camps, unlike the perpetrators of sexual violence in Bosnia. At the time, the use of rape camps and force impregnation signaled 'systematic sexual violence' and demonstrating that other methods could be similarly systematic was a difficult endeavor. See Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press. 182-183.

<sup>396</sup> Vandenberg and Askin 2001, 140.

investigative in nature and heavily focused on providing concrete evidence of systematic sexual violence.

The ‘weapon of war’ frame for sexual violence and the international responses linked to this frame originate from the response to the early cases discussed in Chapter 3 and the resulting international legal precedents. The landmark inclusion of sexual violence as a crime against humanity and an act of genocide in the statutes of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda shaped not only the international legal responses to sexual violence but also the international political responses. For sexual violence to constitute a crime against humanity, the abuses must:

[Be] committed as part of a widespread or a systematic attack against a civilian population. In general, to attribute responsibility to the state or political or military authorities, there would need to be proof that the crimes were ordered or condoned by the leaders, or that they were committed on such a largescale basis that the superior authorities knew or should have known of the crimes, and failed to take necessary and reasonable measures under the circumstances to prevent, halt, or punish the crimes.<sup>397</sup>

To consider sexual violence an act of genocide, there must first be proof that the conflict itself involves genocidal aims.<sup>398</sup> Following from the international legal conception of crimes against humanity and genocide, international political responses similarly seek evidence of a widespread, systematic attack against civilians. Absent documentation of systematic sexual violence deliberately used against civilians on a massive scale, states, IOs, and even NGOs are less likely to make material, institutional, or human commitments and may hesitate to make rhetorical commitments and jeopardize political relationships until a conflict fits within the ‘weapon of war’ frame.

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<sup>397</sup> Vandenberg and Askin 2001, 146. Also see Alona Hagay-Frey. 2011. *Sex and Gender Crimes in the New International Law: Past, Present, Future*. Boston: Martinus Nijhoff. 97.

<sup>398</sup> Vandenberg and Askin 2001, 146.

### *Variation in the Response to Types of Sexual Violence*

Sexual violence as a weapon of war is by nature strategic sexual violence; it is deliberate and tied to a military aim. The international community's reliance on the 'weapon of war' frame for sexual violence has led to the nearly complete omission of opportunistic sexual violence and the broader spectrum of conflict-related sexual and gender-based abuses.<sup>399</sup> The types of sexual violence excluded by the 'weapon of war' frame include: sexual exploitation by peacekeeping forces, humanitarian aid workers, and deployed military forces; rape and other forms of sexual violence committed by combatants of their own volition and outside of the context of military strategy; intimate partner violence during and in the aftermath of armed conflict; and the daily forms of sexual and gender-based violence experienced before, during, and after armed conflict as a result of gender inequality and structural violence. As Lindsay Stark and Mike Wessells ask in their analysis of sexual violence: "what proportion of sexual violence is perpetrated by soldiers and armed groups as opposed to partners, spouses, and other family members? To what extent do these forms of sexual violence have common or interrelated causes?"<sup>400</sup> Systematic sexual violence as a wartime strategy has to have a basis in social or cultural understandings of gender and sexuality, and these understandings are often similarly expressed in other forms of sexual and gender-based violence that persist beyond active armed conflict.

Sexual violence is a weapon in peacetime, just as in wartime, only in wartime it serves as a "message passed between men—vivid proof of victory for one and loss and

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<sup>399</sup> Jelke Boesten. 2010. "Analyzing Rape Regimes at the Interface of War and Peace in Peru." *The International Journal of Transitional Justice* 4(1): 111.

<sup>400</sup> Stark and Wessells 2012, 678.

defeat for the other.”<sup>401</sup> Sexual violence in wartime is linked to gender-based violence and inequality in everyday life before, during, and after active armed conflict. As the Special Representative to the UN Secretary General for Sexual Violence in Conflict, Zainab Hawa Bangura, remarked: “If women are seen as second-class citizens in peacetime, their rights will not be respected when there is unrest. If they are viewed as unimportant before war breaks out, they will be treated as expendable during conflict. Of course addressing conflict-related sexual violence ultimately must be about prevention.”<sup>402</sup> Political efforts to prevent, respond to and mitigate wartime sexual violence are promising and represent a welcome change from the long history of silence surrounding the issue. Still, too narrow a focus on sexual violence as a weapon creates a situation in which a great deal of work is devoted to one particular type of atrocity within a very broad and complex spectrum of sexual gender-based violence. The obvious implication of overlooking this broader spectrum of violence is that even issues directly linked to the effects of armed conflict—for instance, post-conflict sexual violence, sexual exploitation in war and post-conflict reconstruction, conflict-related sex trafficking, opportunistic sexual violence committed by combatants and civilians, and other manifestations of gender-based discrimination in wartime and its aftermath—do not receive adequate resources and recognition. The international response to wartime sexual violence has developed with a central focus on sexual violence as a weapon of war and this focus omits many forms of sexual violence and exploitation in an effort to simplify the concept, thereby making action and commitments more likely.

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<sup>401</sup> Brownmiller 1975, 13.

<sup>402</sup> Remarks to Missing Peace Symposium. 14 February 2013. Washington, DC.

The ‘weapon of war’ frame for sexual violence has been as successful as it has been because it simplifies the definition of sexual violence for the purposes of securing international political action. Recall that advocates deliberately choose frames that will resonate with their intended audience; there is no more fitting a case study for the deliberate framing of sexual violence as a weapon than lobbying efforts leading up to Resolution 1820’s adoption (see Chapter 5). For states and IOs to respond to the broader spectrum of sexual violence in war and post-conflict situations, they would need to broach broader issues of gender equality and human rights. While NGOs and advocates often call for a broader approach to the international response to sexual violence, action in the most influential spheres of the international community is currently limited to the one clearly defined area of wartime sexual violence that resonates strongly with security-minded states and organizations, as well as with international legal precedent.

The ‘weapon of war’ frame motivates political action because when advocates discuss sexual violence as a weapon they situate sexual violence within the context of international security issues. As Letitia Anderson argues, sexual violence is a peace and security threat—and therefore a concern to security-minded institutions like the UN Security Council—when it “constitutes a *crime of international concern*, is *commanded/condoned*, *civilians are targeted*, a *climate of impunity* prevails, it has *cross-border implications* and/or it entails a *ceasefire violation*.”<sup>403</sup> Each of these conditions is tied to armed conflict and the deliberate use of sexual violence as a weapon. The ‘weapon of war’ frame does not completely close the door to future consideration of other forms of conflict-related sexual and gender-based violence: the frame provides a foundation

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<sup>403</sup> Letitia Anderson. 2010. “Politics by Other Means: When does Sexual Violence Threaten International Peace and Security?” *International Peacekeeping* 17(2): 247-248. Emphasis in original.

from which advocates can work to broaden international awareness of wartime sexual violence in particular and gender-based violence in general by securing an audience with states and IOs who are concerned about sexual violence as a weapon of war. Jody Williams, chair of the Nobel Women's Initiative and co-chair of the International Campaign to Stop Rape & Gender Violence in Conflict, highlighted the importance of mobilizing action around the 'weapon of war' frame:

[Addressing rape as a weapon] is an entry point into trying to address the larger continuum of violence against women. Since there is so much awareness because of the understanding of sexual violence and rape as a tactic of war for destroying ethnic communities, feelings of manhood, etc., it would be illogical not to use that as an entry point. But I see it as a means to broaden the discussion: while the Campaign might use 'rape as a weapon' as an entry point, we are working to end all rape and gender violence in conflict. The Campaign chose the word 'conflict' specifically, rather than 'war' or 'armed conflict', because 'conflict' encompasses situations much broader.<sup>404</sup>

The response to wartime sexual violence as a weapon attracts the attention of security-minded international actors and facilitates relationships between advocates, states, and organizations. In theory such discussion and collaboration makes consideration of the broader spectrum of sexual violence a future possibility. In his speech launching the British Government's initiative on preventing sexual violence in armed conflict, Foreign Secretary William Hague indicated such consideration by remarking on the link between the elimination of wartime sexual violence and women's broader political and economic empowerment: "[Tackling sexual violence] cannot be separated from wider issues of women's rights. We will not succeed in building sustainable peace in conflict areas unless we give the issue of sexual violence the centrality it deserves; alongside the

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<sup>404</sup> Interview with Jody Williams. 4 March 2013. Washington, DC.



economic and political empowerment of women and their vital role in peace-building.”<sup>405</sup> For now, however, the international response is still firmly rooted in the ‘weapon of war’ frame. Responding to sexual violence in the context of military tactics or strategy, despite its conceptual limitations, gives states and IOs an identifiable (albeit with some difficulty) atrocity to condemn without potentially implicating the exploitative, opportunistic behavior of their own personnel in conflict, post-conflict, and peacetime operations. The ‘weapon of war’ frame is conceptually narrow but its narrow scope allows the frame to remain clear, conspicuous, and easily understandable; these traits have contributed to its successful adoption by states and IOs.<sup>406</sup>

### **6.3. Variation in the International Response: The Unseen Victims and Survivors**

The image of sexual violence as a weapon of war brings to mind, and focuses policy on, a perpetrator-victim dynamic involving combatants and civilians. The advantage of this perception of sexual violence is that it focuses on a “short and clear causal chain (or story) about who bears responsibility;”<sup>407</sup> and this direct causal chain presents a concise story of a wartime atrocity and makes political and legal condemnation and efforts to assist victims more feasible. Short and clear links between perpetrator and victim facilitated the ‘weapon of war’ frame’s diffusion through the international community and the combatant (male) perpetrator- civilian (female) victim dichotomy has worked well in advocates’ appeals for support from states and IOs. The actual identities

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<sup>405</sup> Foreign & Commonwealth Office. 29 May 2012. “Foreign Secretary launches new Government initiative to prevent sexual violence in conflict.”

<sup>406</sup> On the importance of conceptual clarity, see Elizabeth Kier and Jonathan Mercer. 1996. “Setting Precedents in Anarchy: Military Intervention and Weapons of Mass Destruction.” *International Security* 20(4): 87; 93-94.

<sup>407</sup> Margaret E. Keck and Kathryn Sikkink. 1999. “Transnational advocacy networks in international and regional politics.” *International Social Science Journal* 51 (159): 98.

of perpetrators, victims, and survivors of sexual violence in armed conflict and the post-conflict transition are far more complex than the ‘weapon of war’ frame suggests and international efforts to address wartime sexual violence overlook this complexity. This section briefly discusses five groups that are vulnerable to wartime sexual violence but do not readily fit within the dominant frame and therefore experience neglect and non-recognition despite the international community’s increased efforts to address wartime sexual violence. The focus here is on men and boys, individuals who experience opportunistic sexual violence and the types of violence and exploitation discussed above in section 6.2, women who share some facet of the perpetrators’ identity, and children born of wartime rape. Existing research addresses the difficulties faced by these groups of victims and survivors, and this section aims to synthesize the research with this dissertation’s focus on the ‘weapon of war’ frame and its impact on the international response to wartime sexual violence.

The ‘weapon of war’ frame for sexual violence draws on entrenched understandings of who constitutes a civilian; the practical understanding of ‘civilian’ is inherently gendered and prioritizes protection of women and children over military-aged males, despite the fact that the latter are often just as or even more vulnerable in conflict situations and are victimized by sexual violence, albeit to a lesser extent. In her work on the civilian protection regime, Charli Carpenter finds that ‘civilian’ has become synonymous with ‘women and children’ in international humanitarian efforts and policy; the result is a flawed picture of civilians that simultaneously includes “some combatants (female and child soldiers) and excludes some non-combatants (adult civilian men)” while emphasizing dangerous notions of women’s vulnerability and ignoring the “gender-

based vulnerabilities that draft-age civilians males face in armed conflict”.<sup>408</sup> Helen Kinsella similarly observes that the oft-repeated phrase “especially women and children” in policies and resolutions on civilian protection reinforces and reproduces the gendered civilian immunity principle.<sup>409</sup> By focusing on sexual violence as a weapon used by combatants against the civilian population, the ‘weapon of war’ frame draws upon gendered understandings of who is and who is not a civilian; in so doing, the frame generally excludes male victims and survivors of sexual violence as they are less likely to be viewed as innocent and vulnerable civilians.<sup>410</sup> When men and boys are included in efforts to address wartime sexual violence, their role is presumed to be that of the ‘soldier-rapist’ or the indirect victims of sexual violence who bear the emotional and psychological trauma of witnessing the rape of ‘their’ women. The conversation on wartime sexual violence has broadened somewhat in recent years to include males as direct victims of sexual violence, including in the forms of castration, mutilation, and rape.<sup>411</sup> The focus remains, however, on ‘innocent women and children’ as they constitute the majority of victims and survivors and fit within the ‘weapon of war’ frame.

Section 6.2 observed that opportunistic sexual violence in armed conflict and the broad spectrum of sexual abuses that occur before, during, and after armed conflict as a result of power and gender disparities exist outside of the ‘weapon of war’ frame and receive little international recognition. With the exclusion of these forms of sexual

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<sup>408</sup> R. Charli Carpenter. 2005. “Women, Children and Other Vulnerable Groups”: Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue.” *International Studies Quarterly* 49(2): 296.

<sup>409</sup> Helen Kinsella. 2011. *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian*. Ithaca, NY: Cornell University Press. 88.

<sup>410</sup> The focus on sexual violence against civilians also excludes intra-military sexual violence against both men and women. This is an issue for further research.

<sup>411</sup> Adam Jones. 2010. “Genocide and Mass Violence” in Laura J. Shepherd, ed. *Gender Matters in Global Politics*. New York: Routledge. 132.

violence and exploitation from the dominant frame the victims and survivors of these abuses are similarly overlooked. The immediate consequences of this neglect by aid workers, international courts and transitional justice mechanisms, and national policies is that survivors' experiences are discounted and devalued and their access to support services is limited or entirely unavailable. Beyond the direct consequences for survivors of these forms of sexual violence and exploitation there is a theoretical implication, succinctly asserted by Jelke Boesten: women's—and men's—experiences of sexual violence and exploitation related armed conflict shed light on gender dynamics within society and in the practice of war, but we cannot fully understand these complicated dynamics if experiences that do not fit within the 'weapon of war' frame are silenced.<sup>412</sup>

Related to the issue of the neglect of victims and survivors of opportunistic sexual violence and the broader spectrum of violence and exploitation is the fact that the 'weapon of war' frame excludes women and girls who share characteristics of the perpetrators' identity. Even when the international community responds to a case of sexual violence as a weapon of war, it does not fully recognize the experiences of all victims and survivors of sexual violence in that particular conflict. Discussing the sexual retaliation against Serbian women in the Yugoslav conflict, Kelly Askin explains that the international community's failure to address the retaliatory sexual crimes committed against Serbian women stemmed from the fact that:

[T]hey are the wives, sisters, and daughters of the aggressors. There is hardly a journalist who feels motivated to seek them out, to check up on what has happened to them and thus offer propaganda material to the Serbian side—that is, the 'bad' side, the side 'responsible for the war.'<sup>413</sup>

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<sup>412</sup> Boesten 2010, 112.

<sup>413</sup> Askin 1997, 283-284.

Serbian women did not readily fit within the dominant narrative of systematic sexual violence in Bosnia, so the sexual crimes perpetrated against them went unrecognized despite the massive transnational mobilization around violence against women in the Yugoslav conflict and the ICTY's mandate to address rape as a crime against humanity. Doris Buss's analysis of the ICTR finds that a similar dynamic occurred in response to sexual violence in Rwanda: although Rwandan women were sexually violated before, during, and after the genocide for various political reasons, and in spite of complex social and familial and marital ties that blurred the Hutu-Tutsi identity distinction, the narrative of rape in the Rwandan genocide was streamlined to focus on Hutu perpetrators and Tutsi victims and offers only a partial understanding of the sexual violence that occurred.<sup>414</sup> Buss highlights the importance of simplicity, noting: "rape as a modality of violence is treated as relatively uniform in practice and experience. The emphasis is on shared patterns of violence (Tutsi women attacked by Hutu men) and continuity of impact (destruction of a community) rather than considering variances and exceptions."<sup>415</sup> Much of the variation in experiences of sexual violence and exploitation in conflict results from the complexity of identity and the international community's tendency to simplify identities and groups to establish clear-cut images of perpetrators and victims. Patricia Weitsman contends that scholars must address the ways in which ethnic identity and gender roles interact in order to understand how war and genocide are planned and executed.<sup>416</sup> While the simplification of sexual violence to its use as a 'weapon of war' helps to elicit stronger international responses to sexual violence earlier in conflicts and their aftermath, striving to analyze the complex relationship between identity (political,

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<sup>414</sup> Buss 2009, 156.

<sup>415</sup> Buss 2009, 155.

<sup>416</sup> Weitsman forthcoming, 5.

national, ethnic, or religious) and gender dynamics would enable the international community to establish more comprehensive response and aid mechanisms that encompass a broader range of victims and survivors.

Finally, perhaps the most vulnerable individuals affected by wartime sexual violence are those whose lives begin with wartime rape: children born of systematic or opportunistic war rape. The ‘weapon of war’ frame and the resulting international response to wartime sexual violence is squarely focused on ending impunity for perpetrators, helping survivors to heal both physically and psychologically, and—more broadly—facilitating reconstruction and reestablishing state and human security. Sexual violence as a weapon of war focuses on the perpetrator/combatant-victim/civilian dichotomy and ends with consideration of how sexual violence serves as a tool of violence and destruction. Efforts to address sexual violence as a weapon of war have not looked to extend protection to the children born of forced impregnation, mass rape, or any of the other forms of strategic or opportunistic sexual violence; instead, the children born of wartime rape fall through the proverbial cracks of local, national, and international efforts to respond to wartime sexual violence. Charli Carpenter finds that little academic and humanitarian work has been done to assess and respond to the needs of children born of war rape, despite the devotion of resources to initiatives focused on children in armed conflict and sexual violence against women.<sup>417</sup> Forced impregnation and maternity are viewed as crimes against the rape victim, the mother of the child; as Patricia Weitsman observes, children born of rape “are simply evidence of the atrocity”

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<sup>417</sup> R. Charli Carpenter, ed. 2007. *Born of War: Sexual Violence, Children’s Human Rights, and the Global Community*. Bloomfield, CT: Kumarian Press. 2.

in the eyes of the international community.<sup>418</sup> These children, if carried to term, are frequently the victims of neglect, exclusion from the mother's and the father's ethnic communities, infanticide, abuse, illegal adoption, and trafficking.<sup>419</sup> Although 'war babies' suffer their own human rights violations as a result of the shame attached to their births, the dominant frame for wartime sexual violence excludes these victims from consideration.

Framing sexual violence as a weapon of war allowed advocates and policymakers to elicit stronger and more consistent responses from states and IOs over the course of the last two decades. The frame simplified the complex issue of wartime sexual violence and made it a peace and security concern, thus ensuring continued recognition of wartime sexual violence in particular conflicts and as a general issue. Like any successful frame, however, the 'weapon of war' frame resonates with international actors because it provides a clear and concise image and definition of the issue. This simplicity, while alluring, propagates and entrenches a set understanding of who constitutes a 'true victim' of wartime sexual violence—the 'innocent' woman or girl civilian who does not share any form of the perpetrators' identity—and limits recognition of other victims and survivors. As the academic and political discussion of wartime sexual violence advances, it broadens somewhat in scope; perhaps as the international community becomes more familiar with the complexity of sexual violence, the unseen victims and survivors will gain recognition and support.

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<sup>418</sup> Weitsman forthcoming, 24.

<sup>419</sup> Weistman forthcoming, 19-21.

#### **6.4. Theorizing an ‘Unconventional’ Weapon**

The recognition of sexual violence as a weapon of war has implications for the study of International Relations (IR), and particularly for international security studies. If sexual violence is a weapon of war, then it is an issue that IR scholars must engage in order to gain a full understanding of how warfare is designed and fought, the ways in which civilians are victimized in war, the long-term security and peacebuilding implications of sexual violence, and the role of gender dynamics in war. As previous chapters have reiterated, sexual violence in war is not a new phenomenon. In one sense it is perhaps the most conventional of weapons, whose roots can be traced back to the earliest documented battles. Yet, sexual violence has only gained recognition as a systematic, deliberate weapon or tactic of war during the past two decades. Only since the mid-2000s, especially with the adoption of UN Security Council Resolution 1820 in 2008, has sexual violence gained recognition as a security issue rather than a gender or women’s issue.<sup>420</sup> Most of the recognition of sexual violence as a security issue has taken place in advocacy and policy circles; discussion within IR scholarship is still limited. While feminist scholars have increasingly raised awareness of systematic sexual violence since the mid-1990s,<sup>421</sup> discussion of sexual violence as a weapon among IR scholars is only just beginning to take shape. A promising line of research centers on the military utility of sexual violence and seeks to uncover the factors explaining combatants’ use of

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<sup>420</sup> Anderson 2010, 257.

<sup>421</sup> Susan Brownmiller’s work in 1975 is a notable exception and, of course, preceded the broader discussion of sexual violence in war. Her book formed the cornerstone of feminist conversations of sexual violence in both war and peace, as the academic conversation began to take shape in the mid-1990s in response to systematic sexual violence in the former Yugoslavia.



sexual violence as a weapon.<sup>422</sup> More extensive recognition of sexual violence within traditional international security studies and IR, more broadly, would yield important insights on the impact of wartime sexual violence on long-term security-building and reconstruction efforts as well as purely humanitarian and normative concerns.

Sexual violence as a weapon is far from incompatible with traditional understandings of security, violence, and warfare in IR. Its use as a weapon presents a threat to state security and the monopoly over the use of force; sexual violence is a cheap, safe (for combatants), relatively easily deployed, and highly destructive weapon that can be used within and across state borders to incite terror, mass displacement, and demoralization.<sup>423</sup> As armed conflict has shifted to civil and asymmetric warfare, establishing an understanding of the military tactics used against both combatants and civilians is vital for crafting sound scholarship and policy. K.R. Carter notes that sexual violence “as a weapon of war may increasingly figure into postmodern warfare, as neither employs the clear frontlines or the clear combatant/civilian lines characteristic of traditional war.”<sup>424</sup> From the perspective of normative approaches to IR scholarship, studies of sexual violence as a weapon can create fruitful engagements with questions of just war theory and “justice, shame, responsibility and reconciliation in, and after,

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<sup>422</sup> Dara Kay Cohen. Working Paper, June 2012. “Causes of Rape During Civil War: Cross-National Evidence (1980-2009).” Cited with permission. Elisabeth Jean Wood. 2006. “Variation in Sexual Violence during War.” *Politics & Society* 34: 307-341. Wood 2009, 131-161. Michele Leiby. 2009. “Wartime Sexual Violence in Guatemala and Peru.” *International Studies Quarterly* 53: 445-468. Patricia A. Weitsman. 2008. “The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda.” *Human Rights Quarterly* 30: 561-578.

<sup>423</sup> K.R. Carter. 2010. “Should International Relations Consider Rape a Weapon of War?” *Politics & Gender* 6(3): 346; Vandenberg and Askin 2001, 146.

<sup>424</sup> Carter 2010, 366, citing Chris Hables Gray. 1997. *Postmodern War: The New Politics of Conflict*. New York: Guilford.

war.”<sup>425</sup> The question of when and why states and IOs condemn sexual violence, especially explorations of variation in condemnation and the caricature of perpetrators as barbaric states, is a fitting avenue for further research on shifting norms, taboos, and values in IR.

Before IR scholars can meaningfully pursue questions of sexual violence as a weapon, the field needs to permit further exploration of gender dynamics in peacetime and wartime. Sexual violence is used as a weapon but, as this chapter has discussed, the ‘weapon of war’ understanding is incomplete (even if it gets policy results). To understand and explain the circumstances under which sexual violence gains the destructive power necessary to be useful as a weapon, scholars must acknowledge varying conceptions of gender and gendered disparities in social status. Scholars need to pay more attention to gender in order to explain more fully and accurately *how* sexual violence comes to be used as a weapon, lest we risk perpetuating dangerous perceptions of gender roles. In her discussion of genocide in Bosnia, Patricia Weitsman cautions against the blanket acceptance of forced impregnation as a method of genocide, arguing that to accept the idea that children born of war rape inherit only the father’s identity and bring shame to the mother and her ethnic community (the rationale for forced impregnation and maternity as a method of ethnic cleansing) is to accept and propagate the perpetrators’ beliefs about identity and gender.<sup>426</sup> Sexual violence in wartime reflects societal “issues of power asymmetry, patriarchy, masculinity, and the devaluation of women that are pervasive even in settings not affected by armed conflict.”<sup>427</sup> Although sexual violence as a weapon of war resonates with traditional understandings of security

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<sup>425</sup> Carter 2010, 365.

<sup>426</sup> Weitsman forthcoming, 16-17.

<sup>427</sup> Stark and Wessells 2012, 677.

and warfare in IR, research on sexual violence as a weapon must acknowledge the gender dynamics that underpin the decision to deploy sexual violence as a weapon in the first place.

## **6.5. Conclusion**

To return to the central question posed at the outset of this dissertation, why has the international community endeavored to respond to wartime sexual violence *now*, when sexual violence has been such a pervasive aspect of war throughout recorded history? The scale and brutality of sexual violence were not so drastically different in the attacks on Nanjing, Berlin, and Bangladesh than they were in Bosnia, Rwanda, and the Democratic Republic of the Congo (DRC). The simplest explanation for the change in international political recognition of wartime sexual violence lies in the way in which advocates and policymakers began to discuss or to *frame* the sexual atrocities that occur in warfare. By framing sexual violence as a weapon of war and deliberately emphasizing the systematic, widespread nature of attacks on female civilians, advocates and policymakers have been able to increase the international community's response to wartime sexual violence from the mid-1990s onward. This final section provides a brief review of the dissertation's central and alternative arguments and presents possible avenues for future research.

### *The 'Weapon of War' Frame's Centrality*

The 'weapon of war' frame for wartime sexual violence distinguishes sexual violence from women's issues and human rights issues and situates it firmly within the context of international peace and security. The shift in frame and broader context motivated states and IOs to respond to particular, salient cases of wartime sexual violence

and to the issue of wartime sexual violence in general. It is important to note, however, that understanding sexual violence in terms of international peace and security does not mean states and IOs respond to it out of self-interest; indeed, long-term commitments and the response to allies' use of sexual violence (as discussed in Chapter 4 and Chapter 5) indicate that states and IOs may be willing to recognize and condemn wartime sexual violence even when doing so does not directly serve their interests. Despite its recognition as a security issue, the response to wartime sexual violence is primarily driven by the normative—rather than self-interested—concerns of states, IOs, nongovernmental organizations (NGOs), and individual advocates; advocates and policymakers who champion a political response to a particular case of wartime sexual violence or advancements in international political recognition of the general issue cite personal convictions, eye-opening interactions with survivors in refugee camps, and the desire to improve the status and security of women and girls in war zones and post-conflict reconstruction efforts.

I contend that framing sexual violence as a weapon of war has enabled advocates and policymakers to elicit meaningful political responses to a historically neglected problem in the relatively short span of two decades. To form a more complete picture of the 'weapon of war' frame and to understand how and why it emerged when it did, I have also made the case for three facilitative conditions tied to the dominant frame's emergence and diffusion. The 'weapon of war' frame for sexual violence became the dominant frame because advocates and policymakers strategically employed salient conflict analogies and political leverage to improve recognition of wartime sexual violence after the transnational movement to improve women's human rights and end

violence against women in the mid-1990s focused attention on sexual violence in the former Yugoslavia and Rwanda. The three facilitative conditions—salient conflict analogies, transnational mobilization, and political leverage—provide a more complete understanding of how and why the ‘weapon of war’ frame emerged and became the dominant frame for wartime sexual violence when it did.

The core explanation holds that *discussion of wartime sexual violence among advocates and policymakers in terms of a weapon of war increased the response from states and IOs*. The explanation finds support from each of the case studies discussed in previous chapters; as recognition of wartime sexual violence focused more exclusively and explicitly on sexual violence as a weapon of war, especially from the mid-2000s onward, states and IOs began to commit financial resources, establish institutional mechanisms for monitoring and responding to wartime sexual violence in the long-term, and devote human resources (rapporteurs, special representatives, gender advisers, and entire offices of staff) to addressing sexual violence in war. The early responses to sexual violence in the former Yugoslavia and Rwanda laid the foundation for what would eventually become the ‘weapon of war’ frame: accounts of the sexual atrocities in both conflicts emphasized the widespread and systematic nature of abuses, focusing on the instrumentality of the rape campaigns and distinguishing sexual violence in the conflicts from sexual violence in past conflicts.

The first two facilitative conditions capture the importance of historical context and the influence of particular salient conflicts. Condition 1, on conflict analogies, states: *When characteristics of a given conflict gained international attention, those same characteristics galvanized an international response to successive conflicts and solidified*

*the dominant frame.* The conflicts in the former Yugoslavia, Rwanda, and (later) the DRC became salient conflicts against which decision-makers in states, IOs, and NGOs measured concurrent and future cases of wartime sexual violence. When cases share the characteristics of these three conflicts—systematic sexual violence committed by combatants against the female civilian population—they are most likely to elicit a response from the international community. The DRC itself became salient because advocates were able to convince policymakers within the US government and the UN Security Council that sexual violence against women in the DRC was not ‘normal’ or ‘garden-variety’ sexual violence but resembled the systematic atrocities that occurred during the Bosnian war.<sup>428</sup> By applying the study of analogies to the development of the international response to wartime sexual violence I have aimed to expand consideration of analogies as a tool beyond individual-level decision-making and foreign policy crises to the broader definition and diffusion of new international problems and norms.<sup>429</sup> In a sense, the use of conflict analogies in the definition and increased recognition of wartime sexual violence as a weapon is similar to the concept of the genealogy of new norms, and there appears to be room for fruitful engagement between the foreign policy literature on analogical reasoning and the IR literature on norm development and diffusion.<sup>430</sup>

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<sup>428</sup> Interview with Cheryl Benard. McLean, VA. 20 March 2013.

<sup>429</sup> My work here aims to build on the foundation established by the following studies: Yuen Foong Khong. 1992. *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965*. Princeton: Princeton University Press; Robert Jervis. 1976. *Perception and Misperception in International Politics*. Princeton: Princeton University Press; Robert Axelrod. 1973, “Schema Theory: An Information Processing Model of Perception and Cognition.” *American Political Science Review* 67(4):1248-1266; Ernest May. 1973. “Lessons” of the Past: *The Use and Misuse of History in American Foreign Policy*. New York: Oxford University Press; Keith L. Shimko. 1994. “Metaphors and Foreign Policy Decision Making” *Political Psychology* 15(4): 655-671.

<sup>430</sup> See: Richard Price. 1995. “A Genealogy of the Chemical Weapons Taboo.” *International Organization* 49(1): 73-103.

Condition 2, on transnational mobilization, posits: *Mobilization around the issue of women's human rights focused international attention on sexual violence in the conflicts in the former Yugoslavia and Rwanda, and consequently to systematic wartime sexual violence in general.* This facilitative condition demonstrates that the historical context in which new issues and international problems emerge shapes their development. Although the 'weapon of war' frame distanced wartime sexual violence from its initial conceptual origin within the women's human rights movement, sexual violence would not have made it onto the international political agenda without the massive mobilization and consistent pressure placed on UN members and officials at the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Put simply, historical context matters.

The third facilitative condition ties the development and diffusion of the 'weapon of war' frame to traditional understandings of power and influence in international politics. Condition 3, on political leverage, observes: *When policymakers and activists leveraged positions of influence to advance the 'weapon of war' frame they generated strong and institutionalized responses in states and IOs.* That policymakers and advocates use their power and influence to gain recognition for a problem that they view as important is intuitively unsurprising. Where this facilitative condition becomes interesting is in the lesson it conveys: a normative issue, like the response to wartime sexual violence, needs help from political power players in order to gain support from the broader international community regardless of how urgent or important the problem appears to be. UN Security Council Resolution 1820, for example, would not have passed in 2008 if individuals with intimate ties to Security Council delegations had not

strategically reframed sexual violence as a weapon. Reframing sexual violence as a weapon of war facilitated the adoption of Resolution 1820 because it appealed to Security Council members' normative *and* political interests: the narrow scope of sexual violence included in this frame allowed the Security Council to address wartime sexual violence without becoming embroiled in Council members' or allies' domestic affairs or interfering in other UN agencies' mandates. Absent the passage of Resolution 1820 the international framework for monitoring and responding to wartime sexual violence would not have evolved when it did, if at all. The Preventing Sexual Violence Initiative (PSVI) would not have taken off and garnered international support if the UK had not capitalized on its leadership positions within the G8 and the UN Security Council. The 'weapon of war' frame would not have become the dominant frame for wartime sexual violence if strong, well-positioned advocates had not adopted and disseminated it.

#### *Alternative Arguments*

The first alternative argument does not find support in the five case studies explored in the dissertation. The interest-based explanation, that *states and multilateral organizations employ rhetoric of sexual violence as justification for wars and sanctions waged for unrelated or self-interested purposes*, is not fundamentally inaccurate, but it fails to explain the long-term development of the international response to wartime sexual violence. As illustrated in Chapter 4 and Chapter 5, states and IOs do recognize wartime sexual violence when doing so will incur costs and have worked to institutionalize mechanisms for responding to wartime sexual violence, findings which run counter to the alternative argument's expectations.



The international framework for monitoring and responding to wartime sexual violence, primarily embodied in Security Council Resolutions 1820, 1888, 1960, and 2106, institutionalizes the UN membership's response to sexual violence and creates an institutionalized shaming mechanism that has the potential to clash with member states' interests. The debate during the 6722<sup>nd</sup> meeting of the UN Security Council, in response to then Special Representative to the Secretary General on Sexual Violence in Armed Conflict Margot Wallström's report on sexual violence in armed conflict, in compliance with Resolution 1960, demonstrates certain states' opposition to the report's naming and shaming of perpetrators.<sup>431</sup> Russia, Syria, Kenya and Egypt, among other states, voiced opposition to what they considered the Special Representative's 'over-stepping' of her mandate through inclusion of sexual violence in post-conflict situations and situations of unrest; these states or their allies had been cited as perpetrators or sites of sexual violence in armed conflict.<sup>432</sup> The bilateral responses discussed in Chapter 4 and Chapter 5 demonstrate states' willingness to respond to sexual violence when doing so is not strategically convenient. The US response to sexual violence in the DRC and the UK government's diplomatic engagement with Somalia both occurred as the stronger state attempted to stabilize and bolster the transitioning state; condemning sexual violence was not a strategic priority in either case but the normative imperative to respond outweighed the potential diplomatic costs of doing so.<sup>433</sup> It remains to be seen whether a state or IO will respond to a case of wartime sexual violence when that response *directly conflicts*

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<sup>431</sup> United Nations General Assembly. 13 January 2012. "Conflict-related sexual violence. Report of the Secretary-General." A/66/657-S/2012/33.

<sup>432</sup> United Nations Security Council. 23 February 2012. "Security Council Presidential Statement Condemns Sexual Violence in Conflict, Post-Conflict Situations, Urges Complete, Immediate Cessation of Such Acts." SC/10555.

<sup>433</sup> Personal interview with British embassy official. 18 April 2013. Washington, DC.

with its interests; however, efforts to institutionalize the response to wartime sexual violence have created shaming mechanisms that are not universally popular and state policies and initiatives that create costs, so the international response is more than just cheap talk. States may still use sexual violence to vilify an enemy and garner support for an intervention or belligerent policy, as citing the use of sexual violence as a weapon against civilians is a powerful way to portray an adversary as uncivilized or barbaric, but this is neither necessary nor sufficient to explain the uptick in responses to wartime sexual violence in recent years.<sup>434</sup>

The second alternative argument offers a necessary but insufficient condition for the development of the international response to wartime sexual violence. This argument, which contends that the *increased presence of women in national governments and international organizations led to increased recognition of sexual violence*, captures one of the dynamics of the early development of the international response to wartime sexual violence. In the mid-1990s, especially in the two early cases analyzed in Chapter 3, the presence of women was a vital component of states' and organizations' willingness to recognize the issues of women's human rights and violence against women.<sup>435</sup> Recall that sexual violence was initially subsumed under the umbrella of women's human rights and violence against women. Later cases—particularly the adopted of Resolution 1820 and PSVI's launch, both of which are analyzed in Chapter 5—demonstrate that the 'weapon

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<sup>434</sup> For existing work based on the interest-based explanation, see: Eran N. Ben-Porath. 2007. "Rhetoric of Atrocities: The Place of Horrific Human Rights Abuses in Presidential Persuasion Efforts." *Presidential Studies Quarterly* 37(2): 181-202; Krista Hunt and Kim Ryeigiel, Eds. (2006)(*En)gendering the war on terror: war stories and camouflaged politics*. Burlington, VT: Ashgate.

<sup>435</sup> For a discussion of women in international tribunals, see: Tuba Inal. 2013. *Looting and Rape in Wartime: Law and Change in International Relations*. Philadelphia: University of Pennsylvania Press.

of war’ frame had a clearer and more direct impact on the international response to wartime sexual violence than the presence of women in positions of influence. Once women’s human rights and violence against women were issues on the international agenda (after the mid-1990s), the ‘weapon of war’ frame provided the push necessary to trigger international responses to wartime sexual violence.

Each of the case studies provides support for the central explanation that framing sexual violence as a weapon of war enabled international actors to respond to individual cases and the general issue of wartime sexual violence with greater frequency and strength over time. The international response to wartime sexual violence has led to the consensus among states, NGOs, IOs, and individual advocates that sexual violence is not an acceptable weapon and that the international community bears at least some responsibility to respond to the use of sexual violence as a weapon. Although the case studies presented herein do not provide evidence that there is a strong and internalized international norm condemning wartime sexual violence, progress during the past two decades suggests that the strengthening of an anti-sexual violence norm is a future possibility.

#### *Remaining Questions*

The ‘weapon of war’ frame’s implications raise several questions that may provide avenues for fruitful research in the future. Variation in the response to conflicts involving different methods and varying scales of sexual violence certainly merits further research. The international response to wartime sexual violence is still a relatively new political phenomenon and the ‘weapon of war’ frame focuses international attention on a specific subset of conflicts, those in which advocates and policymakers perceive that

sexual violence has the characteristics of a systematic weapon or tactic of war. This study has focused on the longitudinal development of the international response to wartime sexual violence. An important question that arises from this research asks: what is the threshold for an international response to a case of wartime sexual violence? Must there be a minimum number of documented rapes? Must states and IOs wait for evidence of sexual violence as an official military policy before they can respond? Cross-sectional exploration of the armed conflicts that fail to trigger international political responses in comparison to concurrent conflicts that do trigger responses would provide important insights into the practical impact of the weapon of war frame on policymaking. Related to the study of variation in the response, future study of the international response to wartime sexual violence may be able to ascertain whether or not an internalized norm condemning wartime sexual violence exists. As norms take time to diffuse and to become internalized by states, evaluating the strength of a normative prohibition will take time and require the inclusion of additional case studies.

Additional study of the victims and survivors who are included in and excluded by the 'weapon of war' frame is also worthy of further research. Although existing scholarship has highlighted the groups that are commonly excluded from international efforts to address sexual violence,<sup>436</sup> a better understanding of how and why certain groups of civilians are prioritized over others would have important implications for normative IR research, especially for our understanding of the civilian immunity principle and humanitarian intervention efforts.

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<sup>436</sup> Jelke Boesten. 2010. "Analyzing Rape Regimes at the Interface of War and Peace in Peru." *The International Journal of Transitional Justice* 4:110-129; Doris E. Buss. 2009. "Rethinking 'Rape as a Weapon of War'." *Feminist Legal Studies* 17: 145-163; R. Charli Carpenter, ed, 2007. *Born of War: Sexual Violence, Children's Human Rights, and the Global Community*. Bloomfield, CT: Kumarian Press.

The final remaining question has both academic and policy relevance, especially as the international community works to strengthen its response to wartime sexual violence. What is the impact of the international response to wartime sexual violence on combatants' decisions to use sexual violence strategically? Despite improvements in international recognition of wartime sexual violence, rape and other sexual atrocities continue to be destructive weapons and common outgrowths of conflict-related instability.<sup>437</sup> Sexual violence is an attractive weapon; it is cheap, easily mobilized, and highly destructive.<sup>438</sup> If combatants seek notoriety, then growing international condemnation of sexual violence may improve the weapon's appeal and increase the pay-offs associated with its widespread use. Research on the impact of international condemnation on perpetrators' motivations and rationale for using sexual violence against civilians would shed light on an understudied potential consequence of the developments discussed in this dissertation.

### *Final Thoughts*

The international community has come a long way from the historical silence surrounding sexual atrocities in war. That UN Security Council members, government officials, and participants in public symposia openly discuss and decry the use of sexual violence as a weapon against civilians demonstrates that the issue has gained significant traction since its introduction as an international concern in the mid-1990s. That states and IOs commit funds, personnel, and institutional efforts to recognizing, addressing, and

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<sup>437</sup> Lesley Pruitt. 2012. "Looking Back, Moving Forward: International Approaches to Addressing Conflict-Related Sexual Violence." *Journal of Women, Politics & Policy* 33(4): 299-321.

<sup>438</sup> Lindsay Stark and Mike Wessells. 2012. "Sexual Violence as a Weapon of War." *JAMA* 308(7):677-678; Martina Vandenberg and Kelly Askin. 2001. "Chechnya: Another Battleground for the Perpetration of Gender Based Crimes." *Human Rights Review* 2(3): 140-149.

preventing sexual violence in war is a far greater achievement. Nevertheless, much work remains, both in the development of a more comprehensive and internalized political response to wartime sexual violence and in research on the international response to sexual violence within IR scholarship. Given the advances in both spheres over the course of the past two decades, there is reason to be optimistic.

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