COLLECTIVE RAPE: THE CONTINUED VICTIMIZATION OF WOMEN IN THE INTERNATIONAL SYSTEM

A thesis submitted to Kent State University in partial fulfillment of the requirements for the degree of Master of Arts

by

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December, 2010
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There are many times I thought that this work would never come to fruition. Graduation dates came and went, with me still sitting at my computer typing away at what seemed to be a task with no end in sight. I owe the completion of this work to many people who were happy to stick it out by my side.

First and foremost, to Dr. Julie Mazzei, who inspired me to write again after feeling like I had forgotten how. After our first meeting, the encouragement I felt from sitting with her invigorated me to, once again, begin a process that had become my own personal albatross. I never would have made it to this point if she had not decided to take a chance on me, though it seemed I would never finish, and support me every step of the way. I am blessed to have someone who was willing to get onboard, though it was late in the game, and help me make it to the finish line.

I am thankful for all of my friends and family who reminded me that I was not the type to leave something unfinished. My mother, who asked me daily “how is the thesis coming?” just in case I happened to forget that I was supposed to be writing, and my father, who was always on my side. And to the core group of friends from Walsh – Bernadette, Ed, Tiffany, Nate and Joanna – who continually poked and prodded until I started making some headway – your continued belief in me and my destiny has meant more to me than you will ever know.

To my co-workers, who politely inquired about the status of my work, even though I know they were hoping for short answers and rarely received them. And to my management team, who tolerated my bad moods, stressed reactions, and need for a few free days better than I could have ever anticipated. I know you could have made it much harder for me to reach this point, and I am grateful everyday for your understanding.

And finally, to Dr. Koop Berry, who has been the mentor that I never expected to have, but am lucky to have found. Dr. Berry knows my strengths and weaknesses, and while she never let me believe that I had lost my ability to write, she did not hesitate to remind me that I had to commit to act if I wanted to reach my goals. More than once I found myself in her office, contemplating what business I had trying to make this happen, but she never let me leave without being set back on course. I know this will make her proud.
Chapter One

Introduction

At any single point in time, there is a conflict taking place somewhere around the world where people are being tortured, raped, mutilated, persecuted, killed, or meeting some other unfavorable fate. In many regions, wars are creating a different set of rules on a day by day basis, depending on who has won the latest round of gunfire and successfully conquered or defended the site of battle. While many people may have a perception that wars are fought in open fields where one side faces down the other, wars have changed dramatically over the years. Conflicts in the international world today have become less about the battlefield and more about hitting the enemy where it hurts the most – in the community and in the home.

One way in which enemy combatants have made deeper impacts on their opposition is by utilizing collective rape. Here, the battle becomes more personal, directly impacting a combatant’s family so that he must not only be concerned about the gunfire he is facing, but must often go into battle to protect their homes or families. What they defend is not typically personal – an attack is made against a country, or region, and a soldier stands up in order to protect it as a whole. With the continued use of collective rape in warfare, soldiers must stand up to protect their loved ones in a different manner – collective rape has individualized and personalized battle in a way that no new weapon can overcome. War has reached the point where a bigger, stronger, more intelligent bomb or gun will not outdo the weapon of collective rape. Thus far, the global community has treated collective
rape as an incidence of war – a byproduct or unfortunate side-effect – rather than as a tactic of war. The way we look at collective rape as a world must change if there is to be any hope of eradicating this phenomenon.

Collective rape as a form of sexual violence in warfare is “systematic, carried out by fighting forces for the explicit purpose of destabilizing populations and destroying bonds within communities and families” (Ward and Marsh 2006, 4). The numbers of females victimized by this phenomenon are astounding. The war in Bosnia-Herzegovina began 1991, but by 1993 there were “40,000 [documented] cases of war-related rape” (Ward and Marsh 2006, 2). This level of crisis is mirrored in other areas, as well. In Sierra Leone, researchers in 2000 reported a massive “50,000 to 64,000 internally displaced women may have been sexually victimized” (Ward and Marsh 2006, 2). Collective rape and sexual violence are not concentrated in one small village, they occur on a massive scale that results in thousands of victims.

Though collective rape is by no means something new, the responses to it have changed over the centuries, and continue to change as the international system increasingly acknowledges the problem. As such, it is not only important to understand collective rape in the past, but to also look at the present and how collective rape has become a worldwide concern. This thesis will examine collective rape in multiple contexts in an attempt to understand why it has continued for so long, and what steps must be taken to eradicate the practice.

The reasons and repercussions of collective rape may seem endless. Yet there are identifiable reasons that collective rape thrives in situations of intense conflict, and through case studies of
Sudan and the Democratic Republic of the Congo, this research will explore these. I will further argue that with serious international attention, collective rape can become a phenomenon like genocide—something that occurs, but is universally condemned and harshly dealt with on an international level. There are steps that must be taken by the international system of law, and once those steps are established, it may be possible to address collective rape so that it is no longer a common weapon of war. All of these things are possible, yet the necessary steps to achieve them have not yet been taken, and this dynamic will also be discussed below.

Part of the problem uncovered in this study lies within the fact that rape is largely something that affects women, and women’s rights within the international system are not given significant attention and concern. This thesis will examine the concept of collective rape in a way that seeks to demonstrate why it has occurred for so long and now, on such a broad basis, without any strong condemnation from the global world. Research will show that the stronger members of the international system who have the ability to motivate the rest of the world in a move towards condemnation have lacked the incentive to strongly condemn collective rape themselves, not because it will be a great challenge, but because women are treated as second class citizens. This is true globally, but is also the case within the borders of even the most evolved countries.

In order to eradicate collective rape, women’s rights must become a top concern within the international system. This means that states must not only look to the places where collective rape is occurring to address the issue, but must also examine their own relationship with
women’s rights and recognize the ways in which neglecting the importance of women’s rights both domestically and internationally impacts the global fight against rape as a weapon of war. Through the examination of collective rape and the ways in which a lack of concern for women’s rights internationally contributes to the phenomenon, a plan of essential global changes will be developed that will enable the global system to become a champion of women’s rights and will help put into place a series of steps to eradicate collective rape as the world once did with genocide.

Defining Collective Rape

Though general definitions of rape may only consider the act of forced penetration against one’s will to be “rape,” within the international system there is no real consensus on what actually constitutes rape. Rape during warfare has occurred at least since Biblical times, yet, perhaps because the circumstances and intensity have changed over time, we do not have a universally agreed upon working definition of the crime. It is therefore first necessary to establish a concrete definition of collective rape that can be used as we examine instances of conflict. Collective rape is not inclusive of isolated instances of rape by individual soldiers, but is a “distinct pattern of rape by soldiers at rates that are much increased over rates of rape that prevail in peacetime” (Gottschall 2004, 129). Rape as an act that an individual commits at his own discretion, like that for which Sir Peter von Hagenbach was convicted in 1474

1 Sir Peter von Hagenbach was Governor of the city of Breisach under Charles the Bold, Duke of Burgundy. He used terror tactics, including rape, to gain submissiveness. In an ad hoc trial, he was found guilty of committing crimes he “had the duty to prevent” and was sentenced to death (Greppi 1999, 531).
is conceptually different from the 20,000 plus rapes that were committed by the Red Army as it swept through Berlin during World War II (Gottschall 2004, 130). To define collective rape in a way that can be used to comparatively examine historical and contemporary instances, it is important to define the parameters that the international system can use to establish a standard in international law. In "Uncovering Collective Rape," Jennifer Green (2004) approaches defining and conceptualizing collective rape by first considering the act(s) of rape, the magnitude of rapes during any one conflict, the perpetrators, and the victims. Here, the acts and magnitude are treated as most significant, while the perpetrators and victims can give insight to whether the situation may be caused by religious friction, a genocidal intent, or any number of social cleavages that might lead one group to utilize collective rape as a weapon against another group.

In terms of magnitude, there is no baseline for the number of acts of sexual violence that must occur for the situation to be considered one of “collective rape.” Nonetheless, it is important to realize that there is a difference “between one man’s assault on an unprotected woman and rape as a form of torture that often terminates in death and aims to destroy a community” (Franco 2007, 23). An incident of collective rape must occur on a magnitude that is recurring. It cannot simply be multiple random assaults within the same time period, but is defined as “a pattern of assaults” with “members of the same group committing multiple rapes with similar features” (Green 2004, 102). In situations of collective rape there are multiple perpetrators and multiple victims. With regards to conflicts wherein penetration is only one part of the torture and
humiliation that soldiers inflict on women, collective rape is often part of the broader use of sexual violence, and constitutes any physical violence that is essentially sexual in nature, inclusive of rape, attempted rape, forced prostitution, sexual slavery and sexual battery (Green 2004, 102).

The perpetrators and victims of collective rape are the entities the public remembers the most. Though different organizations, governments, or international bodies may play a role in rectifying sexual violence within a particular conflict, the perpetrators and victims are the identifiable “characters”. The list of perpetrators within each individual conflict is different, though the victims are most commonly civilians rather than fellow combatants or violent offenders (Green 2004; Franco 2007). Perpetrators can be agents of the state like the military, police or government officials or they could be members of political groups like paramilitaries, guerilla armies, insurgents or terrorists (Green 2004; Franco 2007). Considering these different parameters, collective rape can be defined as “a pattern of sexual violence perpetrated on civilians by agents of a state, political group, and/or politicized ethnic group” (Green 2004, 101).

In an effort to distinguish collective rape as a policy that is utilized throughout war to degrade and humiliate the enemy, and sometimes within the context of genocide (which will be discussed below), the United Nations Commission of Experts has documented five patterns of rape that establish a framework through which to apply a concept of collective rape. Salzman (2000) examines these patterns as they relate to the situation in Serbia in the early 1990s. The first pattern established is where sexual violence “occurred with looting and
intimidation before widespread fighting broke out in the region” (72). This happened in Rwanda as well, when the Hutus would ransack Tutsi villages raping the women left behind as well as taking the valuable goods left in the home (Hatzfeld 2005). In both of these situations, the collective rape and looting occurred as an act to entice the opposition forces to fight. The Tutsis would be fighting a battle with the Hutus on one front, while they had to leave their homes unprotected, and the Hutus took advantage of this as another way to deeply impact the Tutsi men (Russell-Brown 2003). Within patriarchal societies there is such a strong internal urge to protect their women that an attack upon one’s female family members would cause just as much outrage as an attack upon oneself.

The second pattern of sexual violence occurred during the actual Bosnian conflict wherein soldiers would utilize rape as another method of destruction as they attacked a town or village (Salzman 2000, 358). This was the only pattern of sexual violence that occurred during the act of fighting. When sexual violence occurred during the destruction of a village, it gave women an opportunity to run away. Though they were not always successful, some Tutsi women in Rwanda were able to escape by running into the jungle (Hatzfeld 2000) and some women in Sudan were able to escape the Janjaweed attacks as well (Bashir and Lewis 2008). In the other three patterns of sexual violence identified, there was no hope for escaping.

Detention facilities are the location of the third pattern of sexual violence. During conflicts like that in Bosnia-Herzegovina, when a village was invaded men and women were sent to separate detention facilities. The soldiers guarding the female facilities
would choose detainees and take them to another room where they would be raped, and sometimes women would be gang raped in front of other detainees in an effort to humiliate them and terrorize the detainees who witnessed the gang rape (Salzman 2000, 358-359). This practice of terrorizing women would continue until they died or were eventually killed.

The fourth pattern of sexual violence occurred in rape camps. Rape camps could be established in empty buildings or hotels, schools, hospitals, and anywhere that could be easily contained. Women in these camps were subject to repetitive acts of sexual violence, and if they became pregnant were often kept captive until it was too late to execute an abortion (Salzman 2000, 359). Rape camps were used in Bosnia-Herzegovina, Sudan, the DRC and Japan and were often supported by the government, especially in Bosnia-Herzegovina where one soldier told a woman that his “President had ordered [him]” to rape (Salzman 2000, 359). This attempt to impregnate women and hold them until abortion was no longer an option is also a clear indicator of genocidal rape, which will be discussed further below.

The fifth, and final, pattern of sexual violence occurred in “bordello” camps. Bordello camps created a situation where women would be held, not as a form of punishment, but to provide vessels of male satisfaction because their main purpose was to provide sex for men returning from the front lines (Salzman 2000). This is the truest form of sexual slavery in these five patterns of sexual violence. Rape in these “bordello” camps was the sole purpose of keeping women captive, and women were usually killed when they were no longer considered desirable (Salzman 2000, 358).
This framework, within which the international community can pinpoint contexts and types of collective rape, can be applied to future occurrences of collective rape in an effort to give the international community a method of categorizing violations. This allows the international community to work towards a way in which perpetrators can be held accountable for their actions.

As such, collective rape has existed since the beginning of time, though it has come more into the public eye since the conflict in Yugoslavia, especially with news coverage being broadcast to billions of homes around the world on a minute-by-minute basis. In the Bible, the Book of Numbers illustrates an example wherein Moses told the tribes of Israel to wage war against the Midianites and told them to kill the men, take their flocks and cattle, but keep the virgin women for themselves as a type of reward (Singer 2002, 93-94). This is not the only mention of rape in the Bible, as can be seen in the books of Deuteronomy 21, Isaiah 13:16, Lamentations 5:11, and Zechariah 14:2 (Gottschall 2004). The scene illustrated in Zechariah 14:2 closely resembles outbreaks of sexual violence in Darfur and Rwanda:

For I [God] will gather all the nations against Jerusalem to battle, and the city shall be taken and the houses looted and the women raped; half of the city shall go into exile, but the rest of the people shall not be cut off from the city.

The rapid and careful destruction that is described in this Bible verse has become an intentional tactic of attack in contemporary conflict.

The occurrence of collective rape continued throughout the ages all over the world whether it be through Alexander’s conquest of Persia in 334 BC (Hansen 1999), Medieval European warfare in the 5th century (Meron 1993), during the Crusades between 1095 and 1291 (Brownmiller 1975), in the conflicts in Yugoslavia and Rwanda in the 1990s, and into
present day conflicts in the Democratic Republic of the Congo and Sudan. In fact, the list of countries where collective rape has occurred since 1989 includes Peru, Somalia, Indonesia, Liberia, Sri Lanka, Kuwait, India, Myanmar, Haiti, Zaire, Sierra Leone, Burundi, Georgia, Afghanistan, Bosnia, Sudan, Nigeria, Algeria, Philippines, Rwanda, Uganda, Yugoslavia, Democratic Republic of the Congo and Zimbabwe (Green 2004). In each of these conflicts there was an established pattern of sexual violence committed by groups inclusive of state agents, political groups and politicized ethnic groups against civilians (see Table 1). Table 1 illustrates the different instances of collective rape since 1989, as well as the duration of time that collective rape occurred, who the perpetrators were, and who the victims were.
<table>
<thead>
<tr>
<th>Country</th>
<th>Region</th>
<th>Duration</th>
<th>(Alleged) Actors</th>
<th>Targets</th>
<th>Estimated number of victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peru</td>
<td></td>
<td>1989–1993</td>
<td>Peruvian military</td>
<td>Civilians, particularly suspected rebels</td>
<td>--</td>
</tr>
<tr>
<td>Somalia</td>
<td></td>
<td>1989–1996</td>
<td>Clan warriors</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Aceh</td>
<td>1989–2002</td>
<td>Indonesian military and police</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Liberia</td>
<td></td>
<td>1989–present</td>
<td>Liberian military, rebel forces</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td></td>
<td>1989–present</td>
<td>Sri Lankan military and police</td>
<td>Tamils</td>
<td>--</td>
</tr>
<tr>
<td>Kuwait</td>
<td></td>
<td>1990–1991</td>
<td>Iraqi military</td>
<td>Civilians</td>
<td>400–3,200</td>
</tr>
<tr>
<td>India</td>
<td>Kashmir</td>
<td>1990–present</td>
<td>Indian military and police, Islamic rebels</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>India</td>
<td>Assam, Manipur, and Tripura</td>
<td>1990–present</td>
<td>Indian military and police</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>India</td>
<td>Punjab</td>
<td>1991–1993</td>
<td>Indian military and police</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Haiti</td>
<td></td>
<td>1991–1994</td>
<td>Haitian military, police and paramilitary</td>
<td>Civilians, particularly Aristide supporters</td>
<td>1,000s</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td></td>
<td>1991–2000</td>
<td>Rebel militants</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Burundi</td>
<td></td>
<td>1991–present</td>
<td>Burundian Army, rebel militants</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Georgia</td>
<td>Abkhazia</td>
<td>1992–1993</td>
<td>Abkhazian rebels, possibly Georgian forces</td>
<td>Georgians</td>
<td>--</td>
</tr>
<tr>
<td>Bosnia</td>
<td></td>
<td>1992–1995</td>
<td>Serbian, Croatian and Bosnian military, police and paramilitaries</td>
<td>Civilians and Prisoners of War</td>
<td>20,000</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Shan State</td>
<td>1992–present</td>
<td>Burmese military</td>
<td>Shans</td>
<td>625⁵</td>
</tr>
<tr>
<td>Algeria</td>
<td></td>
<td>1994–1996</td>
<td>Islamic rebels, possibly government forces</td>
<td>Civilians</td>
<td>3,600⁷</td>
</tr>
<tr>
<td>Philippines</td>
<td></td>
<td>1994–2000</td>
<td>Islamic rebels</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Rwanda</td>
<td></td>
<td>1994</td>
<td>Hutu military and paramilitary</td>
<td>Tutsis</td>
<td>250,000</td>
</tr>
<tr>
<td>Uganda</td>
<td></td>
<td>1994–present</td>
<td>Rebel militants</td>
<td>Civilians</td>
<td>--</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Karen State</td>
<td>1997–present</td>
<td>Burmese military</td>
<td>Karens and Kareniss</td>
<td>--</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Jakarta</td>
<td>1998</td>
<td>Indonesian military and police in collusion with civilians</td>
<td>Ethnic Chinese</td>
<td>66⁶–168⁸</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>Kosovo</td>
<td>1998–1999</td>
<td>Serbian military and paramilitary</td>
<td>Albanians</td>
<td>--</td>
</tr>
<tr>
<td>Congo Democratic Republic</td>
<td>1998–present</td>
<td>Foreign military, rebel military, tribal groups</td>
<td>Civilians</td>
<td>1,000s</td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>East Timor</td>
<td>1999</td>
<td>Indonesian military and police</td>
<td>Civilians</td>
<td>45⁶–100s</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td></td>
<td>2000–present</td>
<td>Zimbabwean paramilitary</td>
<td>Civilians</td>
<td>1,000s</td>
</tr>
<tr>
<td>India</td>
<td>Gujarat</td>
<td>2002</td>
<td>Indian military and police, Muslim and Hindu extremists</td>
<td>Civilians, particularly Muslims</td>
<td>100s</td>
</tr>
</tbody>
</table>

¹Newspaper articles published in or after 1991 indicate that the collective rape(s) began prior to 1991.
²Actual cases documented by agents of a state or nongovernmental organization.
In this thesis, I will explore the use of collective rape as it pertains to modern day warfare. First, I will examine the legal history of collective rape internationally, through the examination of legal documentation and conventions. This will include a look at enforcement mechanisms and the shortcomings of legal enforcement on a global level. Collective rape is a global issue, yet the enforcement abilities of the international system are limited. Following the legal history, I will examine three different theories of collective rape and show how individually they may be weak, but as a union they help to better understand why collective rape has become such an effective weapon. In Chapters 4 and 5 I will apply these theories to case studies of Sudan and the Democratic Republic of the Congo, examining the historical and current data in both cases that allow for collective rape to thrive in present day situations of conflict. In Chapter 6 I draw from the case studies to suggest solutions for eradicating collective rape through three different means of changing the global efforts towards collective rape. Upon completion of this reading, you will better understand the impact collective rape has had throughout history, and how it is shaping the state of conflict today. You will also be introduced to tools of change and how you can make change happen now.
Chapter Two

Establishing Rules of Rape

Legal History

One would surmise that since there have been such rampant cases of collective rape, there must not be any international standard by which the perpetrators of collective rape could be held accountable. This is simply not the case. Between 1899 and 1907, the world experienced the first attempt at internationalizing offenses that could be understood to include sexual violence during the Hague Convention Respecting the Laws and Customs of War on Land. Up until this point, there were no international standards that dealt with sexual violence in any manner. Though rape is still not explicitly mentioned by name in the Hague Conventions, there are places where one could draw an interpretation that would protect civilians from rape. One such example is in what is referred to as the “Martens Clause,” found in the Preamble to Hague Convention IV:

The inhabitants and the belligerents remain under the protection and the rule of the principles of the laws of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of public conscience.

In assessing the applicability of this clause, one must decide whether rape is something that is a natural byproduct of warfare or whether it is outside the parameters of the standard rules of war. This is where it is necessary to differentiate between rape that is one man’s assault and rape that is a weapon of torture used to decimate entire
communities, i.e. collective rape. If sexual violence is a natural byproduct of conflict, it is not protected under Martens Clause because it would not likely reach a level that violates the public conscience. Even if the acts reach a level of collective rape wherein incidents occur on a level of such magnitude and continuity to offend the public conscience, it would be difficult to consistently apply Martens Clause to the protection of civilians from collective rape because the wording is so generalized and subjective.

Further into the Hague Convention, Article 46 identifies three ways in which individuals may be protected with respect to “family honor and rights, the lives of persons, and private property.” Each section of this article can be individually discussed as relevant to collective rape. First, the protection given to “family honor and rights” could be violated as a result of collective rape in regions where the honor of the family unit is dependent upon the perceived purity of its members. For instance, if one were to examine a family of three that consisted of a husband, wife, and daughter in the culture described above, collective rape could disparage the family honor in multiple ways. For the daughter, to be a victim of rape would ruin any chance she had of a happy future. In a patriarchal society like those that exist in the Middle East, virginity and purity are the ultimate symbols of honor for an unwed daughter.

Stereotypes and ideals surrounding women’s sexuality, fertility, and virginity are a basis for analyzing why the victimization of women in times of war not only hurts women but destroys women’s ties to their families and communities of origin. Foremost, although cultural and religious prescriptions vary from place to place, many subscribe to the belief that women must be pure and untouched before marriage. ...Deviating from this ideal, whether it is their fault or not, has social consequences for women. (Milillo 2006, 199)
This stands true for the daughter who is an unmarried virgin, as well as for the married woman whose honor lies in remaining loyal to and monogamous with her husband. Any type of sexual interaction with a man other than one’s husband is strictly forbidden in these societies and brings lifelong shame to a family (Bumiller 1999). Though the father in this case would not be a literal victim of rape, he would still lose honor not only for having a “dirtied” wife and/or daughter, but also for failing to protect his family. A father’s role in this situation is as the ultimate protector and provider, and though he could have been 100 miles away fighting the battle on another front, he would still ultimately be responsible for what is happening with his family at home. The rape of one family member in this culture extends to every sibling and parent, no matter the circumstances (Bumiller 1999, A13).

This responsibility of a father/husband to protect his family could be read as relevant in another part of Article 46 that protects the “private property” of individuals. In some societies women are considered to be the property of men, whether it is the wife as property of the husband or the daughter as property of her father until she is married (and becomes the property of her husband). Here, a woman being raped would be akin to a man’s house being burnt down. Though this situation may seem to belittle the severity of rape to someone who places a woman’s safety and well-being above anything else, it is not unusual in some societies for a man to see a woman as his piece of property just he owns a plow, home, car, etc. (Gottschall 2004). In such a culture, one could consider the taking of her virginity to be a violation of private property. In some societies,
virginity is like a gift, and to have this gift stolen could mean a grave future.

Article 46 prioritizes protecting the "lives of persons". It has already been established that the loss of virginity could result in an unwed daughter losing any chance for a profitable future both for herself and for her family. As if this were not enough to deal with, a woman could be completely outcast from her community, or, in a worst case scenario, be killed for bringing shame to the community (Milillo 2006). Additionally, there is such "a horrific social stigma [that] accompanies rape" (Bumiller 1999), some women would rather die than live with the aftermath of being violated. In fact, there is a "prevalence of posttraumatic stress disorder (PTSD) among rape victims" (Schulz et al. 2006, 191) that could lead to suicide. While Article 46 could be interpreted to protect against rape, it remains vague and a matter of interpretation as the previous clauses do.

Thus, while the Hague Convention was the first attempt at establishing international laws and customs of warfare, it fell short of specifically protecting women from collective rape, even though rape was occurring during conflicts at that time. Furthermore, the language from the Hague Convention is too general to be applied to conflicts today, where occurrences of collective rape can be skewed so that they do not fit within the confines of the Hague Convention, or occur in contexts where the Hague rules are not applicable. For instance, if a woman had no family, or lived in a less patriarchal society, she would not be the private property of any man. "Family shame" also would not be an issue. While the community would be shamed in a way, community honor is not covered under the Hague Convention. Because the language
of the Convention is so vague in this aspect, a situation has been created where perpetrators of collective rape can claim a lack of applicability in regards to the impact their actions have on the community with regards to the parameters of the Convention.

The need for clear and concise language regarding protection against rape during conflict continued through World War II when various war crimes and crimes against humanity were thrust into the public sphere as a result of the Nazi invasions throughout Europe. After the Nazis were defeated in World War II, the Nuremberg Charter was established as a method to hold the most serious war criminals accountable for their actions. The Nuremberg Charter (1945) established three different categories under which individuals could be charged for crimes committed during Hitler’s reign: 1) Crimes Against Peace, 2) War Crimes, and 3) Crimes Against Humanity (Russell-Brown 2003). While there was no specific mention of rape as part of these three classifications of crimes and “none of the Nuremberg defendants were charged with rape as a war crime under customary international law” (Russell-Brown 2003), Control Council Law No. 10 was created in 1945 in an attempt to prosecute those individuals who were not subject to prosecution by the Nuremberg Tribunal (“Control Council Law No. 10” 1945). Control Council Law No. 10 was one of the earlier internationally recognized laws of war to explicitly mention rape as a Crime Against Humanity:

Atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds whether or not in violation of the domestic laws of the country were perpetrated (Article II, C).
Control Council Law No. 10 succeeded in creating an avenue for prosecuting rape where previous laws of war had failed.

One year later in 1946, when the Charter of the International Military Tribunal for the Far East (Tokyo Charter) was established, rape was not considered a crime against humanity, but instead was "listed as a violation of the recognized customs of war" (Russell-Brown 2003, 360). While this did not classify rape as Control Council Law No. 10 had, the inclusion of rape as a violation and the subsequent conviction of twenty-three individuals for committing crimes against peace (Russell-Brown 2003) is speculated to have led to the inclusion of rape when the Geneva Conventions were established three years later (Schiessl 2002, 206).

Shortly after the Nuremberg Tribunal and the Tribunal for the Far East, the Geneva Conventions were established in 1949. Each of the conventions was created with a specific purpose in mind. The first was the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), and then the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Second Geneva Convention), the Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). The Geneva Conventions were established as a method of setting the international standard as it pertains to armed conflict and is essentially the "core of humanitarian law" (Russell-Brown 2003, 357). Each of the Conventions differentiates violations with consideration to whether each is considered a "grave
breach” of international law, or a “war crime”. Among the distinctions is that “war crimes were certain acts and omissions carried out in times of war and criminalized in international law” while “grave breaches were a limited set of particularly serious violations…that gave rise to special obligations of the State Parties for the enactment and enforcement of domestic criminal law” (Öberg 2009, 163).

Unlike the Hague Convention, which pertained mostly to belligerents, the Geneva Conventions tried to be more inclusive of civilians, especially the Fourth Geneva Convention which offers the most information on protections that civilians are awarded during conflict (Schiessl 2002). As such, the Geneva Conventions classify “grave breaches” of international law that can pertain to acts committed against civilians:

Willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly, compelling a prisoner of war or a civilian to serve in the forces of a hostile power, willfully depriving a prisoner of war or a civilian of the rights of fair and regular trial, unlawful deportation or transfer or unlawful confinement of a protected person, and taking civilian hostages (Article 147).

While rape is not explicitly mentioned as a grave breach of international law, many of the grave breaches can be interpreted to include collective rape; three of which will be examined below in turn.

First, as a grave breach of international law, “torture or inhuman treatment” can be understood to include rape, as many times “rape is a form of torture” (Franco 2007, 23), and one that women are subjected to over and over again in some situations. While the Geneva Conventions did not establish a concrete definition of torture, the
United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (1975) is codified as follows:

For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (Part 1, Article 1)

In regards to this definition, a woman could be physically tortured if she were raped, or raped with an object, or if, while raping her, the perpetrators cut off her breasts (Franco 2007). Additionally, a woman could be emotionally tortured if she were forced to watch her child be raped and, in turn, a man could be emotionally tortured to be forced to watch his wife or daughter be raped, or if he were forced to rape them himself (Russell-Brown 2003; Gottschall 2004). All of these situations could constitute inhuman treatment as well and can be considered torture because they are methods of inflicting pain on an individual based on discrimination against sex (women), ethnicity (Fur, Massalit, Zaghawa), or religious affiliation (Muslim).

Second, the act of collective rape could constitute a grave breach of international law in that it is “willfully causing great suffering or serious injury to body or health.” After being a victim of rape, one may develop “posttraumatic stress disorder as well as anxiety [and] depression” (Jansen 2006, 141), all of which cause great suffering and injury to health, not only for the victim, but also for the victim’s family in many cases. This “grave breach” of international law is what the International Committee of the Red Cross
used to include rape as a war crime (Russell-Brown 2003). Collective
rape is, essentially, a method utilized to cause great suffering and
serious injury to body and health.

Third, another situation in which a woman can become victim to
great suffering and serious injury is when she is a victim of “unlawful
deporation or transfer or unlawful confinement” and subject to sexual
slavery. This happened when the Japanese took “comfort women” to
utilize as sexual slaves during World War II (Brooks 1999). In Bosnia-
Herzegovina, rape camps were created in houses, schools, and abandoned
buildings where women would be separated from men and held in “military
brothels” (Bird 2000). Creating rape camps in empty buildings or
houses has occurred in the conflict in Darfur, as well, where women
like Halima Bashir were raped over and over again while being kept
captive (Bashir and Lewis 2008, 224-227). These rape camps, or
“military brothels”, are a clear violation of the Geneva Convention.

While interpretations of “grave breaches” of international law
could also be read as excluding rape because it is not specifically
listed with the above, Article 27 of the Fourth Geneva Convention does
not address grave breaches or war crimes, but explicitly prohibits
rape: “women shall be especially protected against any attack on their
honor, in particular against rape, enforced prostitution, or any form
of indecent assault.” The explicit protection against rape is clearly
required in international law (Schiessl 2002); historical laws of war
only protected women against breaches of their honor. The semantics
that the Geneva Convention utilizes in this article are a turning
point; though collective rape is still not considered a “grave breach
of international law”, it is verbally and explicitly acknowledged as an
offense, which is a significant shift from many of the major international standards of the past.

Following the Geneva Conventions, in 1977 Protocols I and II Additional to the Geneva Convention of 1949 were established in an attempt to “broaden the scope of protected persons” (Russell-Brown 2003, 358). While neither of these Protocols made the move to explicitly mention rape as a “grave breach” of international law, they gave a more detailed expression of the protections that women should be granted. Article 76 of Protocol I states that “women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any form of indecent assault.” This proclamation echoes Article 27 of the Fourth Geneva Convention, but the wording seems to elevate the status of women as worthy of and in need of special consideration. Article 76 affords women the right to safety from any type of collective rape and Protocol II continues on the same path by granting a protection from “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault” (Article 4). All of these proclamations give the international system many ways in which it can interpret collective rape as a war crime or grave breach of international law; however, they do not explicitly list rape as such (Russell-Brown 2003, 361).

Because collective rape is not listed as a grave breach of international law, it is not given the same consideration when it comes to prosecuting individuals for crimes committed during conflicts. The International Criminal Tribunals for Yugoslavia (ICTY) and Rwanda (ICTR), as well as the International Criminal Court (ICC) took their
standards for international law largely from the Geneva Conventions, and treated collective rape as a crime against humanity which does not carry the same weight as a grave breach of international law or a war crime. As a result, a precedent has been set that collective rape is not a top priority like practicing biological experiments on civilians or taking hostages (Russell-Brown 2003, 365-370). The reasoning put forth is that a “grave breach” of international law constitutes “willfully causing great suffering or serious injury to body or health” (Russell-Brown 2003, 358). Furthermore, rape is viewed as more of a group offense as opposed to an individual offense and is therefore categorized as a crime against humanity. Though individual officers can be tried in the ICTR, ICTY, or ICC, it can be difficult to pinpoint one individual responsible for a crime committed by a group.

While collective rape is now considered a crime against humanity, many of the more serious international protections that could be leveraged against rape are left open to interpretation, such that states may not consider certain “violations” to be crimes. While the difference between leaving something open to interpretation and utilizing explicit written language may seem small, it can have serious repercussions. In a system where different factions of society are continually struggling for acceptance and acknowledgement, explicitly showing regard for a specific subset of peoples can make a big difference in empowering the standing of a group relevant to other groups.

Not considering collective rape a grave breach of international law shows a lack of prioritization of women in the spectrum of codified rights, and “we cannot stop sexual violence without empowering women”
One way to consider how leaving an issue up to interpretation can impact how the international system functions is to examine the concept of honor as discussed in the Geneva Conventions. Honor is often used as what seems to be a synonym for protection from rape; this muddles the importance of recognizing rape as a violation of basic human dignity. To clarify the language of the Geneva Conventions to explicitly condemn rape as a weapon would be a more universalistic approach in responding to this type of atrocity. Regardless of what “honor” means to a community, rape is condemned in all situations.

Genocide is an atrocity universally condemned by the international system, and the fact that collective rape has been used as a tool in genocide adds some complexity to the international approach to rape. Genocidal rape takes the violation to another level. While collective rape and genocide are two phenomena, sometimes collective rape becomes a tool used during a genocidal campaign. In fact, the “first documented mass rapes occurred in Nazi Germany” where genocide was prevalent during World War II (Milillo 2006, 196).

But we need a working definition of genocide in order to see how collective rape can become a piece of this puzzle. The Convention on the Prevention and Punishment of the Crime of Genocide, established in 1951, was created as a response to the campaign of genocide waged by the Nazis during World War II, and can be applied in times of war or peace (Article I). In times of peace, genocide is considered to be a crime against humanity, but if committed during times of war it is considered a war crime which would mean it violates the Genocide Convention and is a “grave breach of international law” (Russell-Brown...
2003). The Genocide Convention itself establishes a clear definition of genocide in Article II:

There must be an intention to destroy, in whole or in part, a national ethnic, racial or religious group through the commission of the following enumerated acts: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group (1951).

While collective rape is not explicitly an integral part of the definition, collective rape can clearly be used as an instrument of genocide, as it would contribute to elements defined here. The key part of making collective rape a part of genocide (genocidal rape) is focused on the intent of the actions and the relationship between perpetrator and victim. If both perpetrator and victim are Serbs, the crime would not have genocidal intent. However, if the perpetrator was a Serb and the victim was an ethnic Albanian, the rape would have genocidal intent if the Serb were seeking to eradicate ethnic Albanians through this crime.

Rape and other acts of sexual violence can be considered genocidal acts if they are committed with an overall goal of destroying a national, ethnic, racial or religious group (“Genocide Convention” 1951). This occurred in Rwanda in 1994 when the Hutus raped Tutsi women with intent of destroying the Tutsi race (Russell-Brown 2003). When one ethnic group targets another for extinction and utilizes rape as a method of accomplishing that goal, the intent is to forcibly impregnate women of the opposing ethnicity. The child borne of this act would technically be of mixed ethnicity. In Bosnia-Herzegovina when Serbs used rape as a tool of genocide against ethnic Albanians or
Croats, the child borne of the rape was considered to be Serbian rather than “mixed” because the father’s bloodline was considered the indicator of ethnicity (Stojsavljevic 1995, 39). This same concept was true for the Hutus and the Tutsis in Rwanda (Russell-Brown 2003). The best way to examine the relationship between these two phenomena is to deconstruct the definition of genocide and cross reference it with possible purposes and consequences of collective rape, though it is important to understand that the consequences of collective rape will only indicate a method of genocide if the intent to destroy the group is present.
<table>
<thead>
<tr>
<th>Definition of Genocide</th>
<th>Purposes/Consequences of Collective Rape</th>
</tr>
</thead>
<tbody>
<tr>
<td>Killing members of the group</td>
<td>Killing members of a group during collective rape can occur in multiple ways. One is when the torture of rape is simply another step in defeating a woman before finally killing her once she has served her purpose. Another is when a woman is raped so badly that she cannot survive the physical aftermath of the incident.</td>
</tr>
<tr>
<td>Causing serious bodily or mental harm</td>
<td>This occurs almost as a byproduct of collective rape - there is always going to be some bodily and mental harm present when a victim is raped during these conflicts. Women may become infertile, may have problems urinating and defecating because of the damage done to their genital organs, may in some cases bleed to death as a result of the trauma, etc. The mental damage can be extensive as well with female victims experiencing PTSD, depression, and anxiety in the aftermath.</td>
</tr>
<tr>
<td>Deliberately inflicting conditions of life calculated to bring about the physical destruction of the group in whole or in part</td>
<td>Physical destruction of a group can occur when the shame is so overwhelming that women are outcast from the community. This has a devastating effect on the community left behind because even if the women are outcast, the community still feels the impact of its loss of honor. Also, women who are raped may no longer be considered able to carry on the bloodline of a specific ethnic group because their body has been tainted. Enforced impregnation can fit into this category as well because a child created with parents of two different ethnicities depletes the ethnic purity of that bloodline.</td>
</tr>
<tr>
<td>Imposing measures intended to prevent births within the group</td>
<td>Measures intended to prevent births could be the intended damage caused to a woman’s genital and internal organs during the act of rape, of the act of disgracing the woman within the eyes of her community and family unit.</td>
</tr>
</tbody>
</table>
Table 2 shows the many ways in which collective rape can become genocidal rape, if the intent to destroy the community is an overall goal of the perpetrators.

While genocide is treated with near universal condemnation and is codified as a violation of international law, collective rape—especially absent genocidal intentions—has not been treated as severely. Within the past few years, and perhaps because rape was used in the genocides in Rwanda and Bosnia-Herzegovina (Russell-Brown 2003; Salzman 2000), small steps have been taken to combat collective rape. On June 19, 2008, the United Nations Security Council passed Resolution 1820 which declared “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide” (2008). This Resolution does hold the same status as those prohibiting other war crimes. It was argued that it should be considered as such because it does not only affect the health and safety of women, but also the economic and social stability of communities and nations (Shabazz 2008).

In September 2009, Resolution 1888 was adopted and it called upon Secretary-General Ban Ki-moon to appoint a Special Representative responsible for establishing a way to deal with sexual violence, since its occurrence has not declined since Resolution 1820. This resolution demonstrated to the world that there should be a way for the international system to hold perpetrators accountable for their actions and impose sanctions on regimes that support the use of collective rape during warfare. Collective rape has brought the issue of women’s rights to the forefront, calling on the international system to institute vigorous and significant protection of women’s rights on a
global level. This will allow the world to help solve the underlying issues that led to the practice of rape as a weapon of war in the first place. The fact that collective rape as a weapon of war has occurred for such a long period of time only showcases the shortcomings with women’s rights policies and the ways in which the international system has failed women as a whole.

**Enforcement of International Law**

While there are clear standards in place regarding engaging in war, how can one insist that these standards are followed? The challenge to responding to atrocities in situations of crisis lies within the issue of sovereignty. Sovereignty can be an intimidating force when it comes to states getting involved in a conflict that is not within the confines of their borders. Sovereignty gives states the right to rule in the way they deem fit. This has been a difficult concept to overcome when people consider the atrocities occurring in places like Darfur or the DRC. On one hand, it seems irresponsible to allow a government to continue to support rebels like the Janjaweed when the repercussions of that support are so tragic. On the other hand, states must be cautious about overstepping boundaries, both literally and figuratively. If a state gets involved without support from the rest of the international system, it could be seen as being a bully or having an ulterior motive. However, if a state has knowledge of atrocities being committed and does nothing, the situation can spiral out-of-control as it did in Bosnia-Herzegovina and, at that point, intervention comes too late (Quinn 2005, 245). Because states possess “sovereignty,” there is no international body truly able to
enforce the rules set forth by conventions and treaties. The global system is handicapped by its own dedication to the independence of sovereign states. Because each state is sovereign and has its own agenda within the international system, it often takes atrocities that have reached an extreme level, like genocide, for states to come to a consensus that intervention must occur. Once a crisis reaches this extreme level, an individual state is unable to remedy the situation on its own. It is then up to the entirety of the international system, through organizations like the United Nations, to take a stand against these atrocities.

Though the international system, and the U.N. Security Council specifically, have made strides towards recognizing collective rape as an issue and attempting to put rules in place to eradicate its use in conflicts, the underlying challenge to eradicating rape as a weapon of war is elevating women’s rights. By accomplishing this feat, rape as a tool of war will no longer be seen as a violation of men’s property or honor, but can be considered a violation of human dignity which, like genocide, is universally condemned in the international system.
Chapter Three

Explaining Collective Rape

When the world encounters a phenomenon like collective rape, people often search for answers as to why something this abhorrent would occur. There are rarely any simple answers for these types of inquiries, and the best that can be expected is for academics to develop theories that might provide some insight. As with any other phenomenon, there are many theories that can be applied to the concept of collective rape. Three of the most popular (and sometimes most conflicting) theories are feminist theory, cultural pathology theory, and strategic rape theory. These may explain why collective rape may occur, but a combination of the three gives the most insight to this phenomenon.

The Feminist Theory

The feminist theory of collective rape is based primarily on the concept of power. It is often referred to as the “power hypothesis” (Gottschall 2004) because one of its basic tenets is that men use rape as a way to exert their dominance over women (Brownmiller 1975). This theory is about the balance between male and female, where “male” becomes the enemy against “female” without consideration of which side of the battle men find themselves on. Females, overall, are the enemy.
An environment of conflict exacerbates this for the males, because now the enemy is not females generally; it is the opposition’s female that becomes the true target. It is the patriarchal duty of the males to oppress females, and rape is just another way to make this happen. This becomes entwined with the dynamics of a conflict and thus, a mode of attacking and repressing the enemy.

In basic feminist theory, males exert dominance over women as a result of a strong patriarchal structure. Patriarchy is built on the belief that men must exert dominance over women and always be the social leader. This type of social structure finds its strength in the continued distrust and domination of women. It becomes a way for men to bond and to show their communities how strong and well-off they are. This type of patriarchal attitude can be reflected in laws, as well. For instance, international laws that establish protection of honor and property speak directly to the overall patriarchal structure (Bunch 1990). A woman is the property of a man, and as such, the way he dominates her is what keeps her under his thumb. This could lead to the interpretation of women as the “honor and property” that is protected by many international laws. It is not the woman herself that is protected in this case; it is the man and his property because any shame brought upon the woman by being a victim of collective rape would resonate within the community as a shame upon the man and his household (Weitsman 2008).

While sexual violence is targeted specifically at women, “women are often reluctant to report rape, either because they fear the social stigma or because they feel that it is useless to report the crime” (Oosterveld 1998, 64). This is also a result of the strong sense of
patriarchy that resides in these communities. Women would rather live with the victimization that they have been subject to, rather than suffer more victimization by their communities and the males in their lives.

As such, men often seek ways to exert their dominance over women, and in situations of conflict multiple opportunities arise. When people are in a situation of conflict, many small things can fall through the cracks because the big picture conflict is so visible. In cases like this, collective rape often flourishes because men already feel a sense of entitlement regarding women, and they do not hesitate to continue this pattern. Often, collective rape can become a way in which men “vent their contempt for women” (Brownmiller 1975, 32) and, therefore, enforce those former patriarchal attitudes of dominance.

This general victimization of women is what Buchanan (2002) has referred to as “gendercide.” Gendercide, like genocide, is a situation wherein people are targeted specifically as a result of some attribute they posses. In the case of gendercide, women are targeted specifically because they are women.

While people may think that rape is a phenomenon that stems from a type of sexual desire, rape is “not a crime of sexual passion but... a crime motivated by the desire of a man to exert dominance over a woman” (Gottschall 2004, 130). This theory was established on a global level by Susan Brownmiller with her 1975 publication of Against Our Will: Men, Women, and Rape.

While Brownmiller’s study is often considered the original feminist theoretical approach to explaining rape, it is not the last. A second strain of feminist theory, initially based on Brownmiller’s
concept of male dominance, developed out of study of the wars in Yugoslavia and includes aspects of race and ethnicity, as well as male dominance (Bos 2006). To truly understand the general concept of feminist theory, both discourses must be analyzed.

This second strain of feminist theory established by Bos shows that gender discrimination is an issue that occurs too readily in the international system, and “when combined with race, class, and other forms of oppression, it constitutes a deadly denial of women’s right to life and liberty on a large scale throughout the world” (Bunch 1990, 489). While feminists like Brownmiller would believe that being female is enough to draw the kind of treatment that women are subject to, other theorists have come to recognize that being female is only part of the “problem”. Ethnicity and race have a strong tie to collective rape, specifically because situations of conflict where collective rape occurs are often conflicts where ethnicity and race play a strong role in the origination of the conflict itself. “To think comparatively about rape in war, we must understand gender’s relationship to ethnicity in more complicated ways” (Rejali 1996, 365). In many situations, race and gender intersect, especially in places like Yugoslavia or Rwanda. In Rwanda, all women were not the target. Tutsi women were the target of the Hutu men. This complicated ethnic battle played a big part in the way Tutsi women were victimized. Hutu men could seek out Tutsi women like a prize that was waiting to be captured and often victimized those women more brutally because they knew it would impact the overall Tutsi community (Hatzfeld 2005).

In Yugoslavia, this same kind of situation occurred where it was not only the fact that the victims were female, but it was
victimization by Serbian men against Muslim women. In conflicts where race and ethnicity are already a point of conflict, the continued need for men to exert dominance over women only adds fuel to the fire. By utilizing collective rape in this situation, men are able to get out their aggression while also hurting the enemy. It seems to be a win-win situation for the aggressors. In this context, “racial and ethnic distinctions have particular salience because they are violently renegotiated, complicating the relationship between ethnicity and gender” (Rejali 1996, 366).

The integration of race and ethnicity to the event of collective rape against women can mean the difference between gendercide and genocide, as well. This was seen with the Germans in World War II when they specifically targeted Jewish women on a large scale because Jews were “preventing the creation of the greater Aryan race” (Weitsman 2008). The combination of the German hatred for Jews, along with the fact that women were a target of sexual violence illustrates how the evolved feminist theory of rape has become more relevant throughout the years.

While the feminist theory of rape may seem to explain many aspects of collective rape, it does not represent a complete analysis of collective rape, as a whole. According to feminist theory, collective rape should only occur in situations where a strong patriarchal structure is socialized, but that is not always the setting of, nor sole factor in, collective rape. While men may have an inherent need within a patriarchal structure to exert their dominance over women, other factors may also play into the male-female dynamic that presides in feminist theory (Gottschall 2004).
One issue that the feminist theory does not explain is that sometimes “female” comes second to other attributes an enemy can possess in conflict. Brownmiller and other feminist theorists see the male versus female conflict as central explanation for victimization. In retrospect, the male-female dynamic has become a sort of cop-out that can be utilized as “the obvious” reason that women are victimized. It is a dynamic that exists outside of conflict; therefore, the assumption is that within conflict it must just be something that is exacerbated by the surrounding chaos. This is not always the case, however, and the dynamic is often different at different times and in different cultures. Other theories have evolved to explain why some men rape, and why collective rape has become so rampant.

The Cultural Pathology Theory

Cultural Pathology Theory looks to the past for conflicts and issues that have recurred and come to define a relationship between factions. “The goal is to peer back into a nation’s history and see what developmental factors conspired to cause its men to descend to the vilest barbarism” (Gottschall 2004, 131). A deep and troubled history between multiple parties certainly has an impact on how a conflict between the two parties may evolve.

However, cultural pathology is not only about the history of a conflict; it can also be an examination of a society in general. For instance, collective rape is an act that intentionally dehumanizes women who are victims, but this pattern of dehumanization does not start nor end with the rape itself. Sometimes victimization of women through collective rape is a learned behavior that can have its roots
in other forms of female dehumanization and victimization, like pornography (MacKinnon 1994). It is necessary to deal with each discourse in turn before conducting a deeper analysis. The combination of the two can have a startling impact on the understanding of collective rape within conflict.

Historical relationships between two parties can often be significant reasons that explain why parties find themselves in the middle of a conflict. One example of this is the conflict between the Japanese and the Chinese in Nanking in 1937 (Chang 1997). The Japanese and Chinese had a long and arduous history filled with resentment and jealousy, especially where the Japanese were concerned. While this resentment was not the only factor that contributed to the actions of the Japanese in Nanking, it certainly played a part in the reason the Japanese victimized the Chinese in such a vile way (Gottschall 2004). Because the Japanese harbored such resentment for the Chinese, they often viewed the Chinese as something less than people. In Nanking, rape was used as a weapon because it was treatment worthy of the low level of human beings they considered the Chinese to be. Sexual violence became another method in degrading the Chinese population even further. This was a very severe form of ethnic hatred that resonated throughout Japanese history and culminated in the Rape of Nanking in 1937 (Chang 1997).

In addition to the resentment that the Japanese held for the Chinese, there was also a strong patriarchal structure in place where the Japanese not only felt a sense of entitlement over women, but it almost became a duty to victimize the Chinese in the worst way possible - through their women. There are many developmental factors that
contributed to this overall barbarity that was carried out against the Chinese. The military culture in Japan was ruthless, with brutal training and education that served to intensify the hatred the Japanese felt towards the Chinese (Chang 1997).

Alternatively, Rosenman (2000) suggests that the barbarity practiced by the Japanese was a result of “the sado-masochistic tendencies in Japanese child-rearing brought on by collective trauma having to do with natural disasters and subjugation by other countries” (15). It is almost like the abuse victim who becomes an abuser, or foster children who grow up with a resounding resentment for authority. When one is the subject of these types of situations for so long, the situations become something they create within their own worlds without much conscious consideration for repercussions or consequences.

According to cultural pathology theory, all of these factors could have contributed to the actions of the Japanese in Nanking. Overall, the situation between the Japanese and the Chinese could have been the result of a military culture and trauma that caused the Japanese to feel not only resentment, but entitlement when it came to the Chinese (Morris 1996). The shortcoming with cultural pathological theory in this instance is that one can never truly pinpoint the specific situations or traumas that led up to the Nanking atrocity; much of what is suggested is an attempt to explain how the Japanese began to have such hard feelings towards the Chinese in the first place.

Another aspect of cultural pathology theory is based not on the relationship between two parties, but on the individual history within a state. It can be applied to the greater conflict between parties, but the initial cultural attitudes can be built up within a state
without any outside influences playing a part. The way this aspect plays out in conflict is that one party utilizes what it has learned in an effort to dehumanize and demoralize the opposition. A factor that can play a large part in this type of cultural pathology theory is the availability and relevance of pornography within a certain culture. MacKinnon (1994) considers the widespread availability of pornography to be one of the key factors in the way Serbs raped Muslim and Croat women. Pornography as an industry is set up in a way that dehumanizes women. It not only gives men a platform justifying the rape of women, but it implicitly shows them how to accomplish this task (Gottschall 2004). Prior to the war in Yugoslavia, pornography was widely available and had reached a state where it was a normal part of life (MacKinnon 1994) which further enabled Serbian men to dehumanize women. "When pornography is... normal a whole population of men is primed to dehumanize women and to enjoy inflicting assault sexually" (MacKinnon 1994, 77). They receive pleasure from watching pornography, so it is not surprising that they receive pleasure from creating their own pornographic environment.

These types of patterns occur over and over in Serbian culture. One of the biggest traditions of patriarchy in Slavic states, and the tradition that is most closely linked to sexual violence in war, is the concept of “play rape.” This is a form of courtship in Slavic states as a method of chasing a woman and exerting dominance over her in an effort to claim her. “Male teenagers would run after a woman, knock her down, jump on top of her, pin her onto the floor, roll her over, and then pinch her breasts or grab at her genital region. In public, this physical assault aroused the cheers of men” (Olujic 1998, 37).
The only thing that makes this different from what happens during conflict is the actual act of rape.

Once conflict between the parties erupted, Serbian men used pornography as a prolonged object of entertainment, even going so far as creating their own (MacKinnon 1994). Collective rape became a large part of this "entertainment" because it would be performed in front of audiences, almost as if soldiers were watching live pornography. Some of these "performances" were even taped and later distributed to Serbians as a way to encourage citizens to support the war effort (MacKinnon 1994). Not only did civilians receive a new form of entertainment, it was at the expense of the Muslim and Croat communities that they were entertained. These tapes were also used to implicate Croatian soldiers by using "sophisticated staging, providing props and dubbing dialogue" (Rejali 1996, 366). Images were used to make it seem as though the Croats were committing these violations, which deflected responsibility from the Serbs. It also played a part in exacerbating collective rape during the full length of the conflict because "rape pornography encourages more men to enlist who in turn rape and produce more pornography that generates still more enlistees" (Rejali 1996, 366). It became a never-ending cycle that belittled the atrocity that sexual violence had become within the conflict. This reproduction of pornography was purposeful and strategic. It was created systematically and consciously with the intention of destroying a people (Rejali 1996), and ultimately it served its purpose. The war effort was renewed with each publication of home-made pornography.

The combination of these causal factors as far as collective rape is concerned is a challenge to overcome. However, there can be any
number of traumas or histories that may contribute to the attitudes of a state during war. Collective rape is one consequence of these attitudes that dehumanizes women. In the illustration of the Japanese military background and resentment for the Chinese, and the integration of pornography in the Serbian community, the theories do elucidate how there may be a sense of entitlement as far as women and collective rape are concerned, especially within those particular conflicts. However, many states or ethnic groups have traumatic pasts, but not all of them utilize collective rape as a weapon within conflict. What is the deciding factor when it comes to collective rape? The cultural pathology theory does not provide a concise typology of traumas that will inevitably result in the use of collective rape. This may be one of its most significant shortcomings. There is no historical past that can be pinpointed as one that indicates collective rape is likely. The cultural pathology theory “may help us do a better job of understanding the dynamics of wartime rape in given cases” (Gottschall 2004, 131), however, it does very little to show which conflicts may be susceptible to collective rape before the fact. The purpose of studying collective rape on a theoretical level is not only to understand why it occurs, but to find ways in which it can be prevented in the future. If historical traumas cannot be pinpointed as the factor that causes collective rape to occur, there must be another option. One option that does become apparent through the exploration of the cultural pathology theory is that of strategic rape.
Strategic Rape Theory

Strategic rape theory has become one of the most influential theories of mass wartime rape (Gottschall 2004). The basic tenet of strategic rape theory is that collective rape is utilized as a weapon, just as bombs, bullets, or any other weapon would be used during war. Under this theory, “rape is a tactic executed by soldiers in the service of larger strategic objectives” (Gottschall 2004, 131).

Strategic rape theory is based on more than the relationship between men and women, and it is more than just the historical relationship between parties. Strategic rape theory focuses on the fact that collective rape reaches a point where rapes are “not seen as acts of violence directed against women in particular but as an additional form of humiliation to be doled out to the enemy men” (Bos 2006, 995). Women simply become an extension of the battlefield, another place where wars are fought and one side loses the battle (Brownmiller 1993).

This conceptualization of rape as a weapon has been overlooked in the international system for a long time, but has recently begun to garner more attention, as the United Nations has taken steps to recognize collective rape as a weapon of war. First we will discuss how strategic rape theory explains the utilization of rape in situations of conflict. Then we will explore the distinction that must be made between strategic rape and genocidal rape, with regard given to the ways in which one can become the other.

According to the theory, rape is a weapon that decimates a community or culture physically, socially, and psychologically. This weapon is responsible for “spreading debilitating terror, diminish[ing]
the resistance of civilians, and demoralizing, humiliating, and emasculating enemy soldiers who are thereby shown to have failed in their most elemental protective duties” (Gottschall 2004, 131).

Physically, women bear the scars of rape long after the perpetrators have left, and even after the conflict has ended. The intensity of the physical injuries does not come solely from the act of rape as those outside of the conflict may imagine. The rape that Americans, for instance, see in movies or on television is really the furthest thing from what happens in the midst of conflict. Often times these women are raped and sexually abused until they are literally torn apart; sometimes the weapon the rapist uses is not only himself but also sticks, grenades, guns, pipes or other objects.

Many times the sexual violence is exacerbated because it was a product of a gang of soldiers committing violence against one or two women. One Guatemalan woman “was raped by twenty soldiers [and] was in a pool of urine, semen and blood; it was really humiliating, a mixture of hatred, frustration and impotence” (Franco 2007, 26). The physical repercussions of this type of rape are the bases for causing lasting psychological trauma and breaking down the social structure of a community.

Often times, any “effects of war trauma and the violation of dignity and rights are... unrecognized and untreated” (Jansen 2006, 141). Psychological health is one of the top two ways in which victims of sexual violence suffer. Of the many psychological maladies that rape victims may suffer after the incident, the “prevalence of posttraumatic stress disorder (PTSD) among rape victims and war refugees is high” (Schulz et al. 2006, 191). There are multiple reasons for this, one of
the most obvious being that sexual violence as a “peacetime human experience” is very traumatic in and of itself. We must also factor in the way in which women are affected throughout the rest of the conflict; women lose family members to the conflict, have to flee their homes and livelihoods, are persecuted by other governments and often even their own. Women are fighting an uphill battle against psychological distress. “Posttraumatic stress disorder as well as anxiety, depression, and increased homicide rates” (Jansen 2006, 142) are all issues that women often suffer with after they have been violated.

In addition to PTSD, victims of sexual violence and rape during war often fear the repercussions that their victimization will have within their communities. The breakdown of social cultures and communities is the root cause for utilizing collective rape as a weapon of war. Women who become victims of collective rape face the possibility of being ostracized by their communities. If they are ostracized, the communities lose an integral piece of their method of growth – a community cannot grow without women. In short, mass or collective rape often leads to women being outcasts, which breaks down the community. This is the way in which collective rape as a tool of war makes an effective weapon of war.

While rape was once considered something that was a spoil of war, or something that soldiers did of their own accord (Lilly 2007), that perspective has changed. We now understand that “wartime rape is a coherent, coordinated, logical, and brutally effective means of prosecuting warfare” (Gottschall 2004, 131). It can no longer be considered a spoil of war because the scale on which it occurs has far
surpassed that type of classification. The strategic rape theory understands collective rape as a means of breaking down the social structure of a society. It uses women, an integral part of the population within communities, to tear apart societies and reinforce gender divisions within the state (Rejali 1996). Collective rape can be intimidating, terrorizing, humiliating, demoralizing and inherently detrimental to its victims and others affected by it. It does not occur only during war, but during many situations of intense conflict.

Additionally, strategic rape theory suggests that this is not only a weapon that is intended to impact the conflict at the time of the act, it is something that continues to have an impact long after the soldiers are gone and the conflict has ended (Kristof 2008; Gottschall 2004; Green 2004). Collective rape is useful because the perpetrators go into the situation with the knowledge that they will be the stronger force and there is no real threat as there is when they face their male combatants.

On some occasions, strategic rape crosses the line from something that is utilized as a weapon of terror to become a weapon in the larger campaign of genocide. At this point, it is referred to as genocidal rape, but is still explained within the theory of strategic rape. Genocidal rape can be used as an attempt to destroy a national ethnic or racial group (Russell-Brown 2003) because the forced impregnation that can result from genocidal rape will mix bloodlines. This becomes more of an issue when one considers the fact that women are often thought of as property of the men. From this, one can gather that the child will also be the property of the man and therefore seen as, for
instance, Serbian rather than Croat. This is an intentional action that soldiers take in an effort to destroy an ethnicity (Franco 2007).

One of the biggest challenges to strategic rape theory is the fact that the government bodies behind rebel groups who perpetrate sexual violence (the Janjaweed, for example), continuously deny any involvement. They claim ignorance and an inability to control the rebel forces (Bashir 2008). If the government actually has no knowledge of this intent to commit sexual violence, how can strategic rape theory explain this? The premise of this theory states that it is used as a strategic military weapon, but the rebel groups have no social responsibility to the state or the citizens of a state like government forces do. Nonetheless, if they are acting as agents of the state – unknown or not – they are using tactics to further the state goals.

In relation to the study done in this work, clarification must be made regarding the concept of strategic rape theory, particularly concerning the term “strategic.” In many scholarly circles, the term “strategic” implies that there is agency, or actor, ordering the use of rape. This is not always the case, and this work does not seek to identify or assign agency related to the cases examined. The big picture focus of this theory is the usefulness of rape as a weapon, or tool, or warfare that is utilized to decimate communities and depopulate, dehumanize, and demobilize populations. Application of the tenets of strategic rape theory in this study will not seek to identify a person or group of persons who decide to utilize rape during warfare and give orders to rape enemy women.
Strategic rape knows no boundaries, nor does it give any consideration to international laws. It is used as a specific weapon in an effort to decimate a people with an effect that bullets and bombs cannot have. It is the most personal type of weapon that can be used against women.

Though the use of sexual violence as a weapon is recognized as a military initiative by the United Nations, the international community also recognizes the lack of basic necessities like housing, food, and pay lead to unrest among the troops (Kippenberg and Stauss, 2009). Governments can use this as an excuse as to why soldiers are perpetrating acts of sexual violence and write it off as a byproduct of war as it was once dismissed. One of the weaknesses of the theory is the need to empirically prove its assertions so as to disprove the dismissive “it is a byproduct of war” claim. Additionally, strategic rape theory on its own does not explain the root reasons behind the utilization of collective rape, as Feminist Theory and the Cultural Pathology Theory do.

The Triad Approach to Understanding Collective Rape

Realistically, there is no single theory that can explain why armies rape. While three of them have been explored in-depth, they are all subject to shortcomings that fail to explain why armies rape in all situations. Yet, “all of the theories agree that rape in war is not incidental but functional” (Gottschall 2004, 133). A combination of the three theories offers a more comprehensive explanation. This combination theory is what I call the Triad Approach to Understanding Collective Rape. Collective rape cannot be considered a by-product of
war, or something that happens as the result of a soldier deciding to
take his own “spoils”; instead it is something that has a specific
purpose and is utilized in such a way that does the greatest damage to
a people. Perhaps the best way to understand why armies rape is to
consider it from the perspective of the perpetrators, as Stiglmayer
(1994) has done:

A rape is an aggressive and humiliating act, as even a soldier
knows, or at least suspects. He rapes because he wants to engage
in violence. He rapes because he wants to demonstrate his power.
He rapes because he is the victor. He rapes because the woman is
the enemy’s woman, and he wants to humiliate and annihilate the
enemy. He rapes because the woman is herself the enemy whom he
wishes to humiliate and annihilate. He rapes because he despises
women. He rapes to prove his virility. He rapes because the
acquisition of the female body means a piece of territory
conquered. He rapes to take out on someone else the humiliation
he has suffered in the war. He rapes to work off his fears. He
rapes because it’s really only some “fun” with the guys. He
rapes because war, a man’s business, has awakened his
aggressiveness, and he directs it at those who play a subordinate
role in the world of war. (84)

This is the most eye-opening explanation of why collective rape occurs.
Within this explanation one can find indications of the feminist theory
(“the woman is herself the enemy”), the cultural pathology theory (“he
despises women,” “to take out on someone else the humiliation he has
suffered”), and the strategic rape theory (“the woman is the enemy’s
woman, and he wants to humiliate and annihilate the enemy”).

This is the basis for the Triad Approach to Understanding
Collective Rape; it is an amalgamation of the most effective
explanations from the three theories previously examined. While both
the Feminist and Cultural Pathology theories speak to reasons why women
can become targets of collective rape in conflict, it is not until the
two are combined that one is able to see the root of why collective
rape is so widespread. A long history of patriarchy has created a
social system wherein men use rape to exert their dominance over women, but this happens in times of peace and times of war. Men seek to dominate women in every facet of life, but these acts of domination do not always result in a weapon on the same level as collective rape.

This is where Feminist Theory intersects with the Cultural Pathology Theory to create a situation of dominance on a larger level. Through the addition of a historical cultural conflict, either between religious groups, ethnic groups, or any group formed by intense social cleavages, a greater enemy is born. At this point, not only is there a cultural cleavage that creates conflict, but women become identified as the “cultural” woman (i.e. the Muslim woman, the Tutsi woman, the Southern Sudanese woman, the Albanian woman, etc.). The target group for violence becomes more defined when a combatant is influenced by both his culture and his patriarchal sense of dominance.

Having this established target, men must find the most effective weapon for destruction. This is where Strategic Rape Theory comes in. There is already a heightened sense of contention wherein men from one group seek to dominate another group through targeting women, and an effective and deeply destructive way of dominating this group’s women is through the use of collective rape as a tool of war. This is the most efficient way to destroy a group; by targeting the core of the group and the people (women) that hold the key to the future. Collective rape can result in multiple outcomes, but each of them devastates the women of a specific cultural group. Whether collective rape takes the form of genocidal rape or forced impregnation, or simply results in the breakdown of community or familial ties, it destroys the
enemy without the need for guns, bombs, or other expensive means of war.

Having examined these different facets to the Triad Approach to Understanding Collective Rape, it is clear that this approach explains situations where:

a) there is a historical tension of a pathological sort (i.e. ethnic, religious, nationalistic, etc. cleavages) AND
b) there exists a distinct power relationship structuring gender relations, like paternalism, AND
c) there is a violent conflict involving a range of methods intended to demobilize, dehumanize, and depopulate the “other.”

Collective rape is one of the tools that is used to achieve the means of destruction when this environment exists. While this Triad Approach to Understanding Collective Rape helps to illustrate a situation in which collective rape thrives, and why it thrives, it is through the examination of sexual violence (including collective rape) that one can truly begin to understand the steps that must be taken towards eradicating this weapon. Once there is a global comprehension of why collective rape is used, this model can be applied to contemporary conflicts which will enable the global system to address the individual components within those conflicts that make collective rape a viable weapon.

Rape serves the interest of the collective over the individual, but after the conflict has ended and the perpetrators have gone home, both the communities and the individuals are left to pick up the pieces and rebuild their lives. Sometimes this is possible, sometimes it is not. Regardless, prevention requires understanding motivation, why it happens, as well as the contemporary settings of the offenses. This
understanding can be gained through applying the Triad Approach to Understanding Collective Rape to conflicts in history that have experienced the use of sexual violence as a weapon of war, as we will see below.
Chapter Four

Case Study: Sudan

Sudan has a long history of conflict, and this case study will look at the details of the conflict as it pertains to collective rape. Specific attention will be paid to the role of patriarchy, traditions and history, and international political dynamics. As we shall see, the Triad Approach to Understanding Collective Rape presented in Chapter 3 provides insight for understanding the utilization of collective rape in Sudan.

A Brief History

From the point of its independence from England in 1956 Sudan experienced some sort of conflict, including two decades-long civil wars ("Timeline: Sudan" 2010). Much of the conflict has been between the Northern Sudanese who are mostly Arab Muslims, and the Southern Sudanese who are black African Animists. The population of Sudan has been dominated by the Arabs since independence when Northerners began to control the country and sought to unify it through Arabism and Islam ("Background Note: Sudan" 2010). The Arab-dominated agenda resulted in an overarching sense of superiority over the black Africans in all aspects of life.

After independence, a bloodless coup was staged that overthrew the parliament, and General Ibrahim Abboud took over with promises that
he would return Sudan to the power of the people. General Abboud did not fulfill these promises and was ousted in an uprising in 1964 ("Sudan Country Profile" 2010). This cycle of coups and provisional governments continued until a 1977 reconciliation between then President Gaafar Muhammad Nimeiri and Sadiq al-Mahdi, leader of the Ansar community whose goals were to unify western and central Sudan.

Following a brief bout of peace, President Nimeiri instituted a campaign of Islamicization in 1983, during which he sought to incorporate punishments drawn from Shari’a law into the country’s penal code ("Background Note: Sudan" 2010). This decision was controversial for many reasons. Even among the country’s Muslims, the institution of Shari’a law punishments was seen as harsh. Shari’a law included provisions that were fundamentally discriminatory towards women, and very traditional in practice. Furthermore, much of the population of southern Sudan consisted of non-Muslims who were subjected to these punishments even though they did not personally follow Islamic beliefs.

Nimeiri fell out of power in 1985 and many of his laws were repealed, with the exception of those that integrated Shari’a law as part of Sudanese law. Sadiq al-Mahdi became the Prime Minister of Sudan and worked with opposing political parties in the country in an attempt to create some sort of peace. Though many steps toward peace were made, including a cease-fire, negotiations fell apart in the early 1990s when rebels began to break off into multiple opposing factions. In 1989 Omar Hassan al-Bashir came to power through means of another military coup and has held the position of President of Sudan since. Though many elections have occurred throughout the years, they have not
been free nor fair; many of Bashir’s opponents dropped out due to threats of violence ("Sudan Country Profile" 2010).

In 1998, a Sudanese constitution was adopted with the citizens’ support, though Southern Sudan still has ambitions for succession. The most recent election, held in April 2010, resulted in the continued reign of President Bashir. Though Sudan still finds itself in conflict, much of the current international focus is on the situation in the Darfur region which has become an epicenter of violence.

Darfur, in Western Sudan, has been a region of conflict for decades, but beginning in early 2003 the conflict there became more than a civil war ("The Crushing Burden of Rape: Sexual Violence in Darfur" 2005). While the violence throughout much of Sudan has been quelled through the Machakos protocol\(^2\), rebels in Darfur felt they were being ignored. This resulted in civil turmoil that was met by the Sudanese Army through military action which resulted in crisis in January 2004 ("Timeline: Sudan" 2010).

It is the crisis in Darfur that has gained the attention of the international community. Nicholas Kristof, columnist for the New York Times, has spent six years chronicling the crisis in Darfur. In his 2004 article "Will We Say ‘Never Again’ Yet Again?" Kristof summarizes the root of the crisis:

[In Darfur] the killings are being orchestrated by the Arab-dominated Sudanese government, partly through the Janjaweed militia, made up of Arab raiders armed by the government. The

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\(^2\) The Machakos Protocol was a peace agreement in 2002 between the Sudanese government and the Sudan People’s Liberation Army (SPLA), who represented southern Sudan. The agreed upon principles gave South Sudan the right to self-determination, established a democratic government, and sought to unify Sudan. While the protocol quelled the tensions between the North and South, the region of Darfur remained an area of unrest (Takirambudde and Weschler, 2005).
victims are non-Arabs: blacks in the Zaghawa, Massalit, and Fur tribes. 'The Arabs want to get rid of anyone with black skin,' Youssef Yakob Abdullah said. In the area of Darfur that he fled, 'there are no blacks left,' he said.

In Darfur, the fighting is not over religion, for the victims as well as the killers are Muslims. It is more ethnic and racial, reflecting some of the ancient tension between herdsmen (the Arabs in Darfur) and farmers (the black Africans, although they herd as well). The Arabs and non-Arabs compete for water and forage, made scarce by environmental degradation and the spread of the desert.

By 2004, Darfur had become its own civil war (Kristof 2004). It was no longer about North and South Sudan as the previous civil war had been; the Darfur region had erupted in conflict. Darfur was a center of violence, with the Janjaweed storming in on horseback and destroying everything, people included, in their path. In this epicenter of conflict, over 1,000 people were dying each week with hundreds of thousands of refugees fleeing across the Chadian border (Kristof 2004). It is this crisis that has gained the attention of movie stars, activists, and organizations worldwide.

Throughout the conflict in Darfur, "Bashir’s forces and agents have driven about 2.5 million Sudanese, including substantial numbers of the Fur, Massalit and Zaghawa ethnic groups, into camps of internally displaced persons" (Scheffer 2008, 2) and "more than 158,000 people have fled Darfur for neighboring Chad" ("Darfur Documents Confirm Government Policy of Militia Support" 2004, 3). Those individuals who remain in Sudan, but are forced from their homes, are able to live in Internally Displaced Person (IDP) camps ("Five Years On: No Justice for Sexual Violence in Darfur" 2008, 12) where "women comprise at least 75 percent of the internally displaced persons" (Thornton 2005, 2).
Sexual violence against women has characterized discrimination against women in the long history of Sudanese gender relations. While there have been times where women have had opportunities for advancement, there are just as many times where those opportunities have been manipulated to favor men. The implementation of Shari’a law has impacted gender relations since Nimeiri’s reign. When Nimeiri integrated Islamic law with state law in 1983, some men began to consider themselves “moral guardians” and took it upon themselves to ensure that laws were followed in regard to traditional Islamic custom (Hale 1992, 30). These moral guardians would harass women in the street and question them about their dress, their reason for being in public, and their relationship to the men they were with.

Though women began to gain access to some spheres of society, the gains were not equal to those of men. Women were allowed to join the workforce because the government of Sudan wanted to present a level of modernity to the outside world, while women’s rights and opportunities were manipulated. For instance, women were allowed to go to school to practice medicine, but only certain fields of medicine were open to them. Surgery and obstetrics, for example, were off limits because surgery was “too physically strenuous for women” and obstetrics “could entail women being called away from their family duties at any time of the day or night” (Hale 1992, 33). Though women found opportunity in the field of medicine, they were still facing certain discrimination. In addition to the restrictions of medical specialization, female doctors would not be considered for senior positions in medicine because it would threaten the social structure (Hale 1992).
Thus, despite these advances, there remains a strong patriarchal tradition that discourages women from entering the workplace unless absolutely necessary. In fact, “women should only work if they do not have children and only if their income is needed by the family” (Hale 1992, 33). Shari’a law puts men at the head of the family unit, so even if a woman did not have children, it would be left to her husband to decide whether she should enter the workplace. Much of this continued discrimination towards women is the result of a patriarchal belief that too many allowances for women would result in a tipping of the social roles towards equality. These attitudes culminated in what Muslim men considered a set of “boundary violations” which were described as “the changing nature of gender arrangements” (Hale 1992, 32). These boundary violations became a huge threat to the male population because it threatened the authority of men, granted to them through the law, because it enabled women to become “public people, and thereby a potential threat to social order” (Hale 1992, 32). Because of this threat, men sought out ways in which women’s role in society could be reinforced and, in essence, protect the social order and the boundary between men and women.

Sexual Violence in Darfur

In Darfur, sexual violence, and collective rape in particular, became one of these tools. In 2005, a report by the United Nations International Commission of Inquiry on Darfur reported that rape and sexual violence had not only been utilized by the Janjaweed (who are backed by the government), but also by the government forces themselves, and it has become a “deliberate strategy with the aim of
terrorizing the population, ensuring control of the movement of the IDP population and perpetuating its displacement" (94). Rape, collective rape, and sexual violence become tools that can impact the population quickly and deeply. “Between October 2004 and mid-February 2005, Médecins sans Frontières teams in West and South Darfur treated almost 500 women and girls who had been raped” ("Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad” 2005, 7). Five hundred women raped in five months (October to February) breaks down to about 100 women per month, or at least 3 women a day, and this is a modest estimate. One must remember that much like rapes in places like the United States, approximately “60% of sexual assaults are not reported to the police” (“RAINN: Statistics” 2010). This number would be especially skewed in places like Sudan where being a victim of sexual violence is not only embarrassing for the woman, but also stigmatizes her within the community.

One of the primary forces behind sexual violence as a weapon of war is the idea that it has the power to impact multiple people beyond the immediate victim, as noted in Chapter 3. Milillo (2006) demonstrates the lengths through which sexual violence can impact a community through examining the “ideals surrounding women’s sexuality” (199). This stands true for the unmarried virgin as well as for the married woman who is considered the property of her husband, and for all the women in between. In the cases of married women, and as has existed since the “Babylonian Code of Hammurabi, a married woman who was raped was equally stigmatized as having committed adultery” (Milillo 2006, 199). This is what armies are counting on when they intentionally use sexual violence as a weapon of war. Because of the
patriarchal ideals and morals that are a part of Sudanese society, the
offenders can easily triumph not only over the “weak” women who are
left behind during battle, but over their men as well.

The number of women who have been victims of sexual violence in
Darfur is astounding. In 2005, Médecins sans Frontières published “The
Crushing Burden of Rape: Sexual Violence in Darfur” which conveys
statistical evidence of sexual violence in Darfur:

- The ages of the victims vary between 12 and 45 years old with an
  average age of 27.
- Almost 90% said that the rape occurred outside a populated
  village. The majority (82%) were raped while they were pursuing
  their ordinary daily activities.
- Only 4% of women reported that the rape occurred during the
  active conflict, while they were fleeing their home village.
- Almost a third (28%) of the victims reported that they were raped
  more than one time, either by single or multiple assailants.
- 81% of victims report that their rapists are militia or military
  who use their weapons to force the assault.
- Even walking in groups does not help – 65% of women who reported
  their cases were actually in a group when they were attacked.
- Women report in 28% of cases that two or more men have raped
  them.
- In five cases, women described that the rapists abducted them and
  held them captive for several days and during that period they
  were raped regularly by several men. One woman reported that her
  abduction lasted 6 days and she was raped by 10 men.

Women have become a target with no knowledge or means of how to protect
themselves. Even throughout their daily chores, they fear for their
safety which is terrorizing within itself. The impact that collective
rape and sexual violence have made on the psyche of individuals in
Sudan is a crisis of epic proportions.

Though there are thousands of victims of sexual violence in
Darfur, not all of the women choose to share their stories. For those
who do, the circumstances of the attacks clearly demonstrate the level
to which these atrocious acts victimize women both in the moment, and
long after the attack. Médecins sans Frontières relates the stories of two young girls who were collecting grass to feed their donkeys with three older women when the group was ambushed:

I was taken to the near-by river bed away from the women. One man took me in one direction. The other man took the other girl. And the third man stayed to guard the camel and the horse. The man who took me told me to sit on the ground. But I refused. He hit me twice on my back with a stick. Then he took out a knife and threatened me by pointing the knife at me. I sat down. And then he told me to take off my underwear. I refused, but he threatened me again with his knife. He pulled down his trousers and raped me. He left without saying anything or even looking at me. (Young girl, 13)

One of the three man [sic] took me away from the other women. He threatened me with his knife by pinching my chest with it. He pushed me on the ground and took off my underwear. He raped me and was repeating “I will kill you” all the times [sic] to intimidate me. (Young girl, 14) (“The Crushing Burden of Rape: Sexual Violence in Darfur” 2005, 16).

There is no age at which women are safe from the possibility of sexual violence in Darfur.

In addition to the act of rape itself, many women report the use of “vitriolic racial and ethnic slurs during or after the rapes” where the Janjaweed were “calling women ‘slaves,’ ‘dirty black Nuba,’ and other epithets” (“Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad” 2005, 5). Another woman, Sawela Suliman, is victim of sexual violence where the perpetrators used racial slurs, as reported by Emily Wax (2004) of the Washington Post:

At first light on Sunday, three young women walked into a scrubby field just outside their refugee camp in West Darfur. They had gone out to collect straw for their family’s donkeys. They recalled thinking that the Arab militiamen who were attacking African tribes at night would still be asleep. But six men grabbed them, yelling Arabic slurs such as “zurga” and “abid” meaning “black” and “slave.” Then the men raped them, beat them and left them on the ground, they said. “They grabbed my donkey and my straw and said, ‘Black girl, you are too dark. You are like a dog. We want to make a light baby’.” (A01)
This type of language illustrates the longstanding cultural tensions between the Arab Muslims and the black African Animists – there is clear discrimination towards these women in relationship to their ethnicity.

When women flee their homes during an attack, they often end up in the IDPs mentioned previously. These should seemingly be places of safety where women can begin to rebuild their lives, but this is not necessarily the case. Life in these camps is not worry-free. Women and girls must leave the camps periodically to collect firewood or supplies, where “small groups of armed men, often in military uniforms, intercept the women and girls in isolated areas” where the men abuse, insult, and beat women, “and then rape them” (“Chaos by Design” 2007, 51-52). Human Rights Watch has also documented cases echoing these types of attacks in its report “Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad” (2005):

A sixteen-year-old Fur girl who had been displaced from her village in West Darfur in August 2003 was later raped by three men while collecting firewood outside of the town where she and her family had fled. Following the rape, her family members threw her out of her home and her fiancé broke off their engagement because she was “disgraced.” Forced to live alone, she was subjected to further violence, including rape, at the hands of the local police who came to her dwelling at night. (9)

This pattern occurs throughout IDP camps across Sudan. Both within these IDP camps and around Darfur, women are being raped on a massive level. In 2006, “U.N. workers say they registered 2,500 rapes in Darfur, but believe far more went unreported. The real figure is probably thousands a month” (De Montesquiou 2007, 1). Many years after the violence in Darfur first broke out in 2003, women are still being victimized by sexual violence. In 2007, four years later, “a 15-year-old Fur girl reported she was raped on the outskirts of town by two
militia men” while she was traveling with two other women. When the women tried to run away, “they [the militia men] shot bullets in the air. They managed to catch [her]. Two of them beat [her] and raped [her]” (“Five Years On” 2008, 16). Women have become the perpetual victims of this crisis in Darfur, and this has been demonstrated over and over again by the prevalence of sexual violence throughout the region.

The International Response

Actor Don Cheadle collaborated with activist and author John Prendergast to visit Darfur and write Not on Our Watch: the Mission to End Genocide in Darfur and Beyond in 2007. The experiences they share in this book have served as a comprehensive account of the crisis. They also suggest ways for people to help initiate actions that will end the crisis in Darfur. Organizations like Amnesty International, Human Rights Watch, ENOUGH, and Save Darfur have all played a vital part in garnering attention as well, but the “star power” that these internationally renowned individuals have brought to the issue has elevated it to another level of awareness.

Though the situation in Darfur is still fragile, international organizations have begun to work towards remedying the atrocities that have been committed. In 2009, the International Criminal Court issued an arrest warrant for President Bashir. The charges are five counts of crimes against humanity (including one charge each of murder, forcible transportation, extermination, torture and rape) and two counts of war crimes (attacking civilian populations not involved in conflict and pillaging) (Prosecutor v. Omar Hassan al-Bashir, 5/1/2009). Though the
ICC is actively pursuing the case of Bashir, he remains free by continuing to travel through countries not willing to turn him over to the courts.

Because the crisis in Darfur has begun to gain so much international attention, there have been many attempts at humanitarian intervention. In April 2004 the United Nations High Commissioner on Human Rights (UNHCHR) attempted an intervention in the conflict, but Sudan is a member of the Commission so the actions that could be taken were few without upsetting the balance of the Commission (other members include human rights offenders such as Zimbabwe, Cuba, China and Saudi Arabia) and causing interstate tensions (Udombana 2005). Though many Commissions within different parts of the United Nations may attempt to resolve situations of crisis, they must always be careful of causing conflict. “Many UN member states, where human rights are not properly accepted and implemented, have realized that the best way to protect oneself from scrutiny is to be elected to the Commission” (Dennis 2003, 385). This way they are always present during the discussions and can provide both reasoning and intimidation to the other members. Additionally, many of the states on the Commission have their own skeletons that they wish to remain hidden so they do not always press the issue. Despite this, the UNHCHR has urged the Sudanese government to bring perpetrators to justice, but it is difficult to hold some people accountable when the violence is largely government perpetrated.

The United Nations Security Council (UNSC) has also taken steps to deal with the crisis in Darfur through multiple Security Council Resolutions. Resolution 1547 (6/11/2004) did not require any specific action, but encouraged parties to use whatever pull they may have to
bring an end to the fighting in Darfur. It was not until Resolution 1556 (7/30/2004) that the UNSC called for direct action to be taken regarding the crisis in Darfur. Resolution 1556 condemned:

All acts of violence and violations of human rights and international humanitarian law by all parties to the crisis, in particular by the Janjaweed, including indiscriminate attacks on civilians, rapes, forced displacements, and acts of violence especially those with an ethnic dimension, and expressing its utmost concern at the consequences of the conflict in Darfur on the civilian population, including women, children, internally displaced persons, and refugees. (UNSC 1556, 2004)

The emphasis on acts committed with “an ethnic dimension” can make it seem like ethnic cleansing is the focus of Resolution 1556. Though it is true that ethnic cleansing is a large part of the conflict in Darfur, there is another side to the conflict that is largely being ignored: the rampant use of sexual violence against women. Sexual violence against women being committed with an ethnic dimension, as it was examined by Bos (2006), is what takes this atrocity to the next level. It is prevalent enough that it cannot be assessed as simply a side-effect of conflict; it is an active ingredient in the conflict itself. In relation to the use of sexual violence in Darfur, Resolution 1556 specifically mentions the situation being a “threat to international peace and security and stability in the region” (UNSC Resolution 1556) because instability in Sudan may (and has) spill over into neighboring countries like Chad and create a greater African conflict. Further, though Resolution 1556 allowed for an arms embargo, travel bans, and asset freezes against Sudanese officials if they failed to disarm the militias in Darfur, many members (Algeria, China, Pakistan) of the Security Council were reluctant to institute such harsh punishments which led to a softening response from those members
(United States) who were initially behind tougher punishments (Udombana 2005).

As a result of this threat to a greater international peace and security, UNSC Resolution 1590 (3/24/2005) established the United Nations Mission in Sudan (UNMIS) which seeks to, among other goals, recognize the need for the inclusion of women and their role in society, establish a ceasefire, create peace, and facilitate the return of refugees (UNSC Resolution 1590). While this is a noble effort on the part of the UNSC, it will be difficult to achieve if sanctions against Sudan continued to be undermined. It was in 2005 that the last UNSC resolutions dealing with Sudan were passed; after that point there have been continuous reports by the Secretary General on the situation, but no new sanctions or responses to the continuing crisis.

The Utilization of Collective Rape as a Weapon

The situation in Sudan, including the most recent crisis in Darfur, demonstrates how individual elements combine to exacerbate a conflict. Sudanese history contains two common elements that increase the probability of a weapon like collective rape: a historical tension among Arabs and non-Arabs and the presence of a patriarchal social structure. As the Triad Approach to Understanding Collective Rape demonstrates, two such elements can operate independently of one another, but the combination of the two results in a heightened conflict where a weapon like collective rape thrives.

The concepts of paternalism and cultural cleavages in Sudan truly intersect in a way that exacerbates the conflict. One of the biggest sources of contention is the Islamicization of Sudan. Sudan is
populated by both Arab Muslims and non-Arabs who are generally Animist in faith. When Nimeiri came into power and instituted a state policy of Islamicization, he exacerbated the religious cleavages between the Arabs and non-Arabs. Religion is an integral part of Sudanese culture, whatever the religion may be, and non-Muslims were resentful of having to live under Islamic-based laws that they did not believe in. This religious cleavage, exacerbated by the Nimeiri government, has led to a deep-rooted resentment between the two factions that creates an environment where conflict thrives.

In addition to the religious cleavage, the long-standing tension between Arabs and black Africans has culminated in a feeling of superiority on the part of the Arabs. This sense of superiority has created a division between the factions that extends deep into the family structures - even the children experience the animosity. Halima Bashir (2008), a woman from the black African Zaghawa tribe, recounts this feeling in her book, *Tears of the Desert: A Memoir of Survival in Darfur*, when she remembers a situation in school. Halima had a disagreement with one of her Arab teachers and explained that she felt “fear because [she] was a black African, and like many Arabs in [Sudan] she believed that she was [Halima’s] natural born master” (77). The contention between the Arabs and black Africans is so tense that black African children learn to fear Arabs, and Arabs grow up feeling that they are meant to dominate black Africans. Combined with the historical religious cleavages between the same two factions, tensions are bound to erupt at some point.

Beyond the tension between cultures and religions lies the distinct customs of patriarchy. This patriarchy has created a
situation of dominance by men since the Islamicization of the state in 1983. One of the resulting effects of institutionalizing religion in Sudan is the discrimination against women. Shari’a law, the religious code of life introduced at this time, has historically contained strong epitaphs concerning the place of women in society and men’s role in ensuring this goal be met.

Shari’a law is based on the teachings of the Qur’an and defines a religious way of life for Muslims (much like the Bible does for Christians) (“Shari’a Law: An Introduction” 2010). However, where Christian laws have evolved to a point where Biblical punishments such as stoning are no longer permitted, some facets of Shari’a law have not made this turn. It is important to note that there are different schools of Shari’a law and not all of them follow the same interpretation of Islamic law, but the words of the Qur’an can be interpreted in different ways similar to the many interpretations of wording in international conventions and documents. Frequently, Shari’a law is discriminatory towards women and does not recognize women as equals to men. For instance, within the confines of Shari’a, a woman counts as half a man. This mean that her word is not worth as much as a man’s, and if she were to go to court her testimony would not be equal to that of a man’s; “and call to witness, from among your men, two witnesses. And if two men be not found then a man and two women” (Qur’an 2:282).

Another aspect of Shari’a law closely connects with the use of sexual violence as a weapon. Shari’a law is sometimes understood to advocate violence as a method men should use to keep women in line. It is not uncommon in such cultures for a man to beat his wife if he feels
she has been disobedient; in fact, this type of punishment is sometimes seen as a man’s duty because men are superior to women (Qur’an 4:34). With the Sudanese law including this type of interpretation, where a man should use violence to control his wife, it is not surprising that this type of behavior has become prevalent in the conflict in Darfur. Men find nothing wrong with the abuse (both physical and sexual) or women, as their law tells them it is their right, as males, to have this type of power. Shari’a law contributes to a sense of patriarchy and male entitlement, especially in situations of conflict (Hale 1992, 32).

The dedication of men towards supporting the “authority threshold,” as Hale (1992) describes it, has added to the strength of patriarchal attitudes within Sudanese culture. This gap in gender relations makes women an identifiable target. Because men within a community have no problem discriminating against women as a natural order of social standards, in times of conflict, combatants have no qualms about discriminating against women through their own means.

The way in which combatants target women, and men through women, is by utilizing collective rape as a weapon of war. Collective rape, as utilized in Sudan and especially in the Darfur region, has decimated the population to a level that could not be achieved by guns or bombs alone. “In Darfur, sexual violence is a pervasive strategy and weapon of war; women and girls are being attacked to dehumanize them, to humiliate their men, and to destabilize their communities” (Thornton 2005, 6). Women have become victims of rape during their daily routines and a sense of fear has been instilled in them. Because women have been victimized through rape and collective rape, their
communities ostracize them because they are “shamed”. This breakdown of communal structures results in a weakened cultural status which is one of the biggest motivations for using rape as a weapon in war. Reports have shown that the attacks on women are calculated; only 4% of attacks take place in conflict. The remaining attacks are purposeful – women are sought out in their villages and communes specifically.

The continuing situation in Darfur, with regard to the historical pathology between cultures and religions in Sudan, in conjunction with the longstanding patriarchal attitudes has resulted in a crisis where collective rape has become one of the main weapons. This is the definition of the Triad Approach to Understanding Collective Rape. In a situation where there is a history of cultural tensions and gender relations that are severely unbalanced, the door is open for an atrocity like rape as a tool of war to thrive. Sudan, and especially Darfur, is a place where the three elements of the Triad Approach to Understanding Collective Rape have come together to result in crisis. If the global community wants to eliminate the problem of collective rape in Darfur, it must work to eliminate the individual elements that culminate in these atrocities.

The cultural cleavages in Sudan are not going to be solved through peace treaties and protocols. The Arabs and black Africans must find a common ground, one that is supported by the government equally, and one that satisfies both parties. There must be a dedication towards solving the root problems, including the broad integration of Islamic law, which began so many decades ago. Discrimination against women is not going to end until the Sudanese people start accepting women as equals instead of subordinates. A
large part of that change in perception has to do with the continued utilization of Shari’a law as a part of Sudanese culture and as a religious cleavage between the Muslim Arabs and the predominantly non-Muslim southern Sudanese people. Patriarchal cultures are not created by men simply deciding they are better; these patriarchal attitudes have deep roots in tradition that people, in general (not just the Sudanese), are reluctant to give up. Rape as a weapon of war will not be eradicated until both of these elements are dealt with. The Triad Approach to Understanding Collective Rape gives us the tools to define the problems, as explored in Chapter 3, but it is up to the global community to set in motion a shift in cultural attitudes and gender relations which will prevent this type of violence in the future.
Chapter Five

Case Study: Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) has been plagued by conflict dating back to the days of colonization by the Belgians. Though conflict in much of the country has ceased, the eastern Kivu provinces continue to be the epicenter of egregious acts of sexual violence. This case study will look at the contemporary conflict in the DRC, specifically in the Kivu region, paying close attention to patriarchy, historical relations, and international political dynamics. As we shall see, the Triad Approach to Understanding Collective Rape presented in Chapter 3 will give insight to understanding collective rape in the Democratic Republic of the Congo.

A Brief History

The Democratic Republic of the Congo is a country that has experienced a revolving door of conflict since its inception in 1960, with the most significant perpetrators of atrocity changing on a continuous basis. Much like Sudan, the country has faced conflict after conflict and shifting alliances throughout the years with an amalgamation of tribes and troops that continues to create crisis throughout the whole of the DRC. The DRC is experiencing internal and external conflicts, both of which are related to different aspects of Congolese history and therefore will be examined in turn.
The most conflict-ridden areas when considering acts of sexual violence are in the eastern region of the DRC extending from the north where the DRC borders Sudan, down the eastern boundaries bordering Rwanda, Burundi, Uganda, and Tanzania down to Zambia (“Democratic Republic of the Congo: Confronting Impunity” 2004). This is the DRC Kivu region, split into North Kivu and South Kivu, where local conflict has been exacerbated by continuing regional struggles over land control, combined with the spillover of violence from Rwanda.

History of Internal Conflict

The DRC was colonized by the Belgians in the late 1800s and ruled by the vicious Belgian King Leopold II until its independence in 1960 (Hochschild 1999). Following independence, President Joseph Kasavubu replaced the Belgian colonial rulers, though there were still many Belgian citizens living in the region. Though King Leopold was no longer in charge, the Belgians sent troops into the DRC to protect Belgian citizens living within the country and to keep tabs on their economic interests (“Timeline: Democratic Republic of the Congo” 2010). The presence of Belgian troops ignited conflict among the Congolese, and in an effort to quell the tensions, the UN Security Council sent peacekeepers into the region to observe (UNSC Resolution 143 1960).

During this new period of independence, Kasavubu attempted to stabilize his government, but he was unable to establish a core group of advisors. Taking advantage of a weak government struggling for control, followers of Joseph Mobutu revolted and ousted Congolese President Joseph Kasavubu in 1965 (Samset 2002). When Mobutu took over in the early 1970s, he forced the Belgians out of the country. However,
the DRC was a young nation at this point, and Mobutu did not have the skills to help the country grow. Because colonial rulers had governed economics, infrastructure, and social programs, when they were forced out, this stable system fell apart. Mobutu and the Congolese had no experience with governing, nor did they have the financial means to support continued growth in the DRC. After decades of struggling, the country defaulted on loans to the Belgians in 1989 and the region fell into severe economic hardship (Csete and Kippenberg, 2002). This economic hardship reached every sphere of Congolese life, and became a catalyst for conflict. Because there was no money left for the government to pay its soldiers, the unpaid soldiers began to riot in the early 1990s which led to Mobutu creating coalition governments. At this time there were both pro- and anti-Mobutu factions in existence, so the state was in a fragile position economically, developmentally, and now politically as well. This created the perfect storm of weakness.

When a government begins to fail, especially when the economic system and social structures are already weak, this often opens the door for other underlying conflicts to rise to the surface. In the Democratic Republic of the Congo, there are long-standing tensions between classes regarding the possession of land. "Organization of land access and control is one of the root causes of conflict" because "historical processes of colonial land reforms and post-colonial patrimonial rule, has turned land into an asset of economic and political power" (Vlassenroot and Huggins 2005, 115). Within these historical conflicts, there is always one party who has taken the lead and is considered the stronger party, Vlassenroot and Huggins (2005)
call them the autochthonous, or elites, that marginalizes the lesser party (non-autochthonous, or peasants). “Competition for land has played a dominant role in local disputes and can be pointed at as one of the root causes of violence and conflict in Ituri and the Kivu-provinces” (Vlassenroot and Huggins 2005, 115). This division, much like racial or religious divisions in Sudan, is a part of the cultural identity in the DRC.

During colonization, the Belgians divided the land without regard to the peoples inhabiting the area at the time, and now, though those populations were shifted many years ago, there is still the belief that certain populations are entitled to a specific area (De Vries 2007). “This competition was transformed into disputes and violence between ethnic communities when local elites from the early nineties started to mobilise [sic] entire communities on the basis of ethnic belonging and collective land rights” (Vlassenroot and Huggins 2005, 116). Though the internal conflict in the DRC is related to land ownership, many of the external factors have contributed to the continued presence of violence in the country.

**History of External Conflict**

It was in 1997 when external conflict first created problems for the Congolese. Mobutu led the country until 1997 when he was ousted by rebel forces from neighboring countries and Rwandan rebel Laurent-Desire Kabila claimed the presidency. Kabila did not have an easy presidency, as he inherited a wealth of conflicts including the continuing internal conflict over land rights and emerging external conflicts along the eastern border of the DRC in the Kivu provinces.
Land is a precious commodity in the DRC, not only due to the need for citizens to survive off its agricultural or pastoral benefits (Vlassenroot and Huggins 2005), but also because the DRC is home to a rare and precious mineral: diamonds (Samset 2002). This is another integral part of the reason why the conflict in the DRC has become an interstate crisis and why the level of violence has reached such a massive level. “Since the start of the Congolese war, local disputes over land have become linked to the regional struggle for economic control and politico-military power” (Vlassenroot and Huggins 2005, 115). The countries in this region are all looking for a way to gain political power, as well as wealth which will enable them to grow. The diamond mines are extremely valuable, especially in region that is struggles economically. As Vlassenroot and Huggins suggest, whoever controls these diamonds mines will be the economic superpower of the region, which has led to regional conflict between the DRC, Rwanda and Uganda. This natural resource is economically unmatched compared to the resources that these two states are able to export (tea, coffee, and other agricultural materials) and this makes the Kivu region (where the diamond mines are located) an area of intense conflict ("Background Note: Rwanda" 2010; “Background Note: Uganda” 2010).

In addition to the conflicts related to land and natural resources, the DRC has also been facing an influx of refugees from neighboring states. When the Rwandan Hutu refugees fled across the border in an effort to escape the newly established Tutsi government, rebel Tutsi groups followed between 1996 and 1997, capturing eastern DRC (the Kivu region) while Mobutu was absent from the country for medical purposes (Sawyer and Van Woudenberg 2009). Conflict in this
region was initially exacerbated when Tutsi refugees from the 1994 Rwandan conflict began fleeing persecution in Rwanda and crossing the border into the DRC seeking shelter. While these refugees did not create the conflict in the DRC, their influx was a contributing factor to cultural tensions that were already high. Though these refugees exacerbated the tensions within the DRC, it must be understood that “violence, the implicit threat of violence, and the manipulation of identity groups and political formations that make mass violence possible have been a continuous feature of Congolese life, since the very idea of ‘the Congo’ first emerged” (Vlassenroot and Huggins 2005, 116).

In 1998, there began a period of shifting alliances. During this period, rebel groups from Rwanda, Uganda and Angola, in addition to the Congolese army and Congolese rebel groups began vying for power in the Kivu provinces. Kabila remained president at this time, but much of the eastern border was in turmoil.

At this point, even the governments of countries in the region were losing control of the conflict. The rebel groups had completely revolted and turned against the countries backing them. The leaders of countries in the region feared this would lead to an even bigger African conflict. In an attempt to quell the continued uprisings, representatives from Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia and Zimbabwe met in Lusaka, Zambia on July 10, 1999, and signed the Lusaka Peace Accord3. Though the Lusaka

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3 The Lusaka Peace Accord called for all parties to cease military operations within twenty-four hours of signing, POWs would be released, and UN peacekeepers were permitted into the region (Lusaka Accord 1999, Articles I-III).
Peace Accord called for a cease-fire and the withdrawal of troops, the rebel troops refused to observe the accord and continued to create conflict within the region.

The international community had largely ignored the situation prior to the Lusaka Peace Accord. However, as a provision of the accord, the UN sent peacekeeping troops into the region to monitor the cease-fire. While the Congolese government had reported that it was being taken advantage of in the name of “border control” concerns by Rwanda, Uganda and Burundi, the United Nations failed to examine the situation until observers voiced concerns about looting. While on the surface it seemed as though all parties were complying with the accord, the Rwandan and Ugandan governments continued to secretly back groups in the DRC; the Lusaka Peace Accord had failed.

At this time, Joseph Kabila who had succeeded his father after Laurent’s murder in 2001, “re-opened an international dialogue and began to restore the ties between his country and the West” ("Blueprint for Peace" 2001). This seemingly turned the situation of conflict into an effort towards peace. In 2001, Kabila met with Rwandan President Paul Kagame, the result of which was Uganda, Rwanda and the rebel troops agreeing to pull out of the region. While the parties agreed to pull out of the region, they were focused on the diamonds and took their time withdrawing in an attempt to gather as much of the resources as possible (Samset 2002).

Contemporary Conflict in the DRC

The search for peace has been a long and arduous process for the DRC. In 2002, the country signed separate agreements with Rwanda and
Uganda, with the expectation that both would withdraw all troops from the DRC. While the government troops were withdrawn from the region, government backed rebel groups from Rwanda rejected the peace deals and remained in the eastern Kivu region. In late 2002, a peace deal was signed in South Africa between the Congolese government and the rebel groups which resulted in the rebel groups being given places in an interim government (Kippenberg and Stauss 2009). Kabila drafted a transitional constitution supporting this agreement that would apply until the next country-wide elections scheduled for 2006. It was the intention that this would create a state of peace and start to stabilize the region; however, in March of 2004 there was a coup attempt in the DRC capital of Kinshasa that, while neutralized by forces there, did not do much for the stabilization of the country. In December of 2004, fighting in the Kivu region erupted as the Congolese army sought to fight off renegade soldiers who were previously members of a pro-Rwanda rebel group. The Rwandan government denied being behind the attacks. This began another wave of rebel groups entering the DRC and continued crises in the eastern region of the country.

With elections on the horizon, the country was infiltrated repeatedly by outside forces. Throughout 2007, there was a constant threat of war breaking out, especially in the eastern region of the country, until Uganda and the DRC agreed to make an attempt at peace concerning the border control issues that had plagued the region since 1998. Despite the continued threats to sovereignty, a new constitution was adopted and elections took place resulting in the re-election of Joseph Kabila as President.
While Kabila was facing external problems along the border, he was also facing internal problems with renegade groups vying for control. A month after the elections fighting erupted in North Kivu between renegade leader, General Laurent Nkunda’s forces and the Congolese army, ("Timeline: Democratic Republic of the Congo" 2010). General Nkunda was a Congolese Tutsi who had previously served in the DRC army but rebelled with his followers in support of the Tutsi rebels and the Tutsi government in Rwanda. General Nkunda led a rebellion in the Kivu provinces in an effort to gain control of the diamond mines. However, following the peace agreement between Uganda and the DRC, the Congolese government met with rebels from many states, including General Nkunda who had become a major force of opposition in the Kivu region. These rebel groups signed an internal peace agreement in 2008 (Sawyer and Van Woudenberg 2009). Kabila hoped that the agreements with Uganda and the rebel troops would restore order in the eastern region of the DRC, but peace did not last long.

Though the Congolese had established peace with the Ugandan government and with rebel troops under leadership of General Nkunda, in 2008 the conflict with troops and rebels from Rwanda began again. The Congolese had previously been allied with Rwandan troops, but the peace fell apart in April of 2008 when the two sides clashed in eastern Congo ("DR Congo: New Attacks on Civilians" 2008). This eruption of violence seemed to make the fragile peace that had existed with other parties fall apart completely as fighting erupted between the Congolese army and the rebel troops loyal to General Nkunda in the eastern region as well. The fragile relations between countries were further damaged when rebel forces of General Nkunda captured a major army base in the
DRC and Congolese officials accused the Rwandan government of backing Nkunda, which the Rwandan government denied (Wild and Varner 2008).

During this period, thousands of civilians fled the eastern border and fighting became more severe. The UN peacekeepers tried to support the Congolese troops by making an attempt to pacify the rebels, but the attempts failed and fighting continued. General Nkunda attempted to create an amalgamation rebel group and exert control over the east towards the end of 2008, but failed and was arrested in Rwanda in early 2009 (“Rwanda arrests Congo rebel leader” 2009). Following this success, the DRC united with Rwandan military forces against General Nkunda’s Tutsi rebel troops. It seemed at this point that through the collaboration of previous opposition parties, a state of peace could be established in the DRC, but that did not happen. Though the DRC had united with Rwandan forces to combat Nkunda, after his arrest, Hutu militia groups began to re-emerge in the Kivu region and conflict erupted again, causing thousands to flee the area. In an attempt to once again establish a cease-fire; Kabila approved a law that gave amnesty to armed groups if they would end fighting in the east (“Amnesty Law for DR Congo Militias” 2009).

Though fighting has ceased for the time being, there are still signs of rebellion throughout the Kivu region. Though conflict has not erupted on a large scale, a report published on Aljazeera.net on August 24, 2010, stated that during a four-day attack beginning July 29, 2010, “almost 200 women have been raped by rebels in the eastern Democratic Republic of Congo” (“Reports of mass rape by DRC rebels” 2010). It is suspected that the culprits were a rebel Rwandan group, the Democratic Forces for Liberation of Rwanda (FDLR) and Mai Mai Militia members,
made up of formerly loyal Congolese army members. While both factions
deny any part in the attack, (“Hutu rebels deny DR Congo rapes” 2010),
the United Nations has sent an envoy to investigate the situation (“UN
sends envoy to DRC over rapes” 2010). It seems to be only a matter of
time before the conflict in the eastern Kivu region becomes a full
blown crisis situation once again.

Sexual Violence in the Democratic Republic of the Congo

Sexual violence against women has characterized the
discrimination against women in the long history of Congolese gender
relations. The relationships between men and women in the DRC are a
fragile dichotomy, as “many ethnic groups in the Congo practice
matrilineal succession, in which inheritance is passed through the
mother’s side of the family” and yet this practice does not elevate the
status of women within the social hierarchy (Ziemke 2007, 2). Women
are seen as an integral part of the communal equation, but they are
still subservient to men within those communities. Though women may be
the lifeline to a family’s inheritance, their role is still very
clearly relegated to the home, and excludes the workplace. Women in
the DRC spend their days completing tasks like “cutting wood for
cooking fires; hauling on their heads large buckets of water for
cooking; cleaning clothes; reaping; sowing; and harvesting the fields”
as well as “child rearing; and making baskets and pottery for sale at
local markets” while “traditionally, men went off on hunts for several
days” (Ziemke 2007, 2). Despite the fact that men spend their days
hunting and women are the sole caregivers in the home, as well as the
principal sources of income for families, women have no autonomous
control of their day to day finances. “In many cases, women must
detail everything they purchase for their husband, while the male
usually does not have to account for his own expenses” (Ziemke 2007,
2).

Women, though an important part of the communal unit, have little
to no autonomous rights in the DRC. Prior to becoming wives, “single
women in the Congo belong to their fathers” and once they are married,
they become the “property” of their husbands (Ziemke 2007, 2). This
concept of “property” is similar to the tenets of Shari’a law that were
explored in Chapter 4, in regards to the discrimination of women in
Sudan. The discrimination of women as property of men is a key
component in patriarchal societies, and plays a part in the continued
discrimination of women in situations of warfare. Much like in Sudan,
the number one “goal is to keep women dependent on and subservient to
men” (Ziemke 2007, 2). This is done through means of discrimination
within the household, and once conflict erupts, through discrimination
at the hands of enemy combatants. It is this historical tradition of
female subservience that has enabled collective to become a useful
weapon of war in the Kivu region, and has lead to the victimization of
over 200,000 women over the past decade (Lauria 2010, 2).

Conflict in the Democratic Republic of the Congo has been
occurring for decades, and even through periods of fragile, but
declared, peace, “tens of thousands of women and girls in the Congo
have become victims of sexual violence during the past 15 years”
(Kippenberg and Stauss 2009, 14). These violations have created a
climate of fear in the country, especially in the Kivu region of the
DRC, where it is considered the “worst place to be a woman or a child”
Perpetrators of rape do not discriminate on the basis of age. “According to statistics provided by local health centres [sic], an average of 40 women are raped every day in the province” and of these women, “13% are under 14 years of age” (Rodriguez 2007, 45).

The current state of sexual violence in the DRC is still a grave situation, even though much of the conflict has calmed. In addition to the attacks women face on a daily basis, the victimization they feel permeates their lives long after the perpetrators of rape have gone.

Psychological and physical traumas suffered as a result of rape are two of the byproducts of using collective rape in warfare. Not only will women be stigmatized as victims of rape and be seen as “shamed” in their communities, victims will suffer their own mental shame as well. Of the many psychological maladies that rape victims may suffer after the incident, “prevalence of posttraumatic stress disorder (PTSD) among rape victims and war refugees is high” (Schulz et al. 2006, 191). There are multiple reasons for this, one of the most obvious being that sexual violence as a “peacetime human experience” is very traumatic in and of itself. Factor in the way in which women are affected throughout the rest of the conflict, to add the incident of sexual violence in with losing family members to the conflict, having to flee their homes and livelihoods and being persecuted by other governments and often even their own, women are fighting an uphill battle against psychological distress. “Posttraumatic stress disorder as well as anxiety, depression, and increased homicide rates” (Jansen 2006, 142) are all dangers that women must deal with after they have been violated. A 2010 study found that nearly 50% of rape victims
reported symptoms congruent with PTSD and 95% of those individuals have inadequate access to mental health care (Pueschel 2010).

Lasting physical trauma is also a recurring issue in conflicts inclusive of sexual violence. In the DRC in particular, fistulas are becoming a chronic issue. A fistula is a tear in the wall between a woman’s vagina and the bladder and/or rectum. In 2005, “surgeons at the hospital [in Bukavu] performed 540 fistula repairs... 80 percent of which were due to sexual violence” ("DRC: Rape Epidemic Fuels Fistula Cases" 2009, 1). These fistulas are caused not only by the act of rape, but by rape that includes deliberate damage inflicted by guns being shot into the vagina, broken glass, sharp sticks, and other objects that combatants use to violate women ("DRC: Rape Epidemic Fuels Fistula Cases" 2009). This physical malady also directly relates to some of the stigma victims experience because it often results in incontinence, especially for the many women who are unable to receive medical treatment.

Throughout the conflict, the ever shifting loyalties of troops made it difficult to pin down the true perpetrators of the violations and which government is responsible for those individuals. Nonetheless, different groups of perpetrators stand out: the Forces Armées de la République Démocratique du Congo (FARDC), the state military organization in the DRC, and the 14th Brigade, a group made up of former Rwandan rebels, Mai Mai militia members, and defected Congolese soldiers. Though the FARDC is a Congolese army group, “since its creation in 2003, the FARDC has been one of the main perpetrators of documented sexual violence in Congo” (Kippenberg and Stauss 2009, 21). This is a government coalition that is violating its own rules,
with nobody doing anything to stop them – during these violations “army commanders have frequently failed to stop sexual violence and punish those responsible” (Kippenberg and Stauss 2009, 21). If the commanders of these armies are not willing to hold their own soldiers accountable for breaking a law in their sovereign state, it is not surprising (though not at all justified) that the international system is reluctant to get involved.

The 14th Brigade is the other massive faction that has committed multiple acts of sexual violence throughout this conflict. The 14th Brigade was created in 2006 and is made up of many different factions: the Congolese Rally for Democracy-Goma (RCD-Goma), Mai Mai militia, and the Forces Armées Congolaises (FAC). The RCD was a Rwandan backed rebel group that had originally opposed the Congolese army, but the Mai Mai militia members and the FAC were both originally loyal to the state and part of the Congolese army. These three factions came together to form the 14th Brigade whose forces were known for committing the most egregious acts of violence.

In 2008, “approximately 4,500 troops and their families arrived in Kabare” and the “army provided them with no provisions, food, or shelter. The brigade was left to its own devices and as a result preyed on the local population for their basic needs” (Kippenberg and Stauss 2009, 25). This is a continuing theme with acts of sexual violence. An attack on a village that includes the victimization of women enables the combatants to not only obtain supplies, but also to dominate women in a way that will impact the community. These acts of violence are supported by commanders who look the other way in return for combat success.
This victimization of women is aptly illustrated in the story of Marie G., a Congolese woman who was taken as part of a group and contained in a camp by her captors:

Each of the combatants took one of them [the three women]. It was Lukala who demanded sex from Marie G. and told her that if she did not “give herself” to him, she would have to stay with them. She refused. Lukala told her: “You are no better than my wife and she was shot dead.” Marie G. answered that he should just kill her. She heard the other two girls screaming. “I heard my companions crying,” she said, “so I refused. The man said to me, ‘They have already begun working – why are you creating problems for me?’” He slapped her and after her companions called out to her, “Accept it; there’s nothing you can do,” and he raped her for the first of many times.

“So I let him do it. He made me suffer greatly,” Marie G. said and continued that she asked him why he made others suffer. “He answered, ‘That is the job of a soldier.’” He told Marie G. that he had many women but that none was as terrible (that is, resistant) as she was. He threatened to shoot her and after several hours began to rape her again. He raped her five times during the first night. (Csete and Kippenberg 2002, 32)

These “needs” that combatants felt they had the right to quell were met with the abduction and victimization of Marie G. and her friends. The soldier himself said that it was his job to make others suffer, and he did so through rape.

Sexual violence in the DRC, much like in Sudan and other places around the world, has been used as a tool for terrorizing women and breaking down communities. “Soldiers and combatants raped and otherwise abused women and girls as part of their effort to win and maintain control over civilians and the territory they inhabited” (Csete and Kippenberg 2002, 23). Because the conflict in the DRC has been largely due to the continued quest for land and resources, women have become a military target as a means to impacting the community. Combatants used this devastation of communities to gain control of land because the communities feared more violence. These combatants
“attacked women and girls as representatives of their communities, intending through their injury and humiliation to terrorize the women themselves and many others” (Csete and Kippenberg 2002, 23).

Not only were these attacks a method of terrorizing the community, but they also served a greater purpose in framing other factions for the victimization that was committed. The combatants would threaten the victims and instruct them to say that the attackers were another faction. “One woman said that armed,... uniformed Congolese soldiers who attacked her daughter specifically instructed the girl to say that they were ‘Interahamwe’ and not from the RCD” (Csete and Kippenberg 2002, 26). These false reports further inflamed the tensions between groups and added an inherent ethnic dimension to the use of sexual violence.

The sheer number of victims of sexual violence in the DRC is astounding. Over 200,000 women have been victimized since 2000 (Lauria 2010), and there seems to be no situation in which women were safe from victimization. The traditional role of women in the DRC is to be the day-to-day caretaker of the home, and while this was originally because men were spending their day hunting animals, the only difference was that now men were hunting men, and their women were still left to their own defenses at home. This left women highly susceptible to victimization in every sphere of life. Georgette W. became a victim of sexual violence and abduction through what initially began as a robbery in her village:

It was an evening in June. I could hear that the soldiers [meaning armed men] were pillaging in the area. When they came to our house, I ran to protect myself. Every night they came around pillaging. But that night, after I ran, it started to rain. To get in from the rain, I decided to go back to the house. By then there were a lot of other people also seeking
shelter from the rain – there were about eighteen of us, mostly neighbors and many old people. But the soldiers came and they were all around. There were a lot of them – I can’t say how many; I could only hear their voices. I saw that everything in the house was stolen. My baby was on my back. Four combatants entered the house. They spoke Kinyarwanda. They were all armed. They took my baby away from me. I was the youngest woman in the house. They left the older women behind and took me.

The four soldiers made me carry the things they had stolen on my back. Then later we met up with others and they gave the load on my back to a man they had captured. But I walked with the four who took me from the house. We walked in the forest from about 10 p.m. to midnight. I didn’t know the place. Then I was alone with one of them. I later found out that the three others went off each with one woman they had captured. I was raped three times [by the one soldier]. He was armed the whole time. He didn’t say anything and I didn’t say anything. (Csete and Kippenberg 2002, 30)

Georgette W. was abducted in the middle of her community with other witnesses. The fact that the soldiers took her and left others who had witnessed her abduction makes her victimization known to the community. She returned home with the stigma of having been victimized by the combatants (Csete and Kippenberg 2002).

To this day, women are victimized in the DRC. In September 2010, reports surfaced that “over 500 women were raped in the span of a few weeks, mostly in the Kivu province in the eastern part of the country” (Hodgetts 2010, 1). Women from ages six to eighty are becoming victims of sexual violence on a daily basis. Though the Congolese women are becoming victims of conflict on a massive level the DRC does little to assist its citizens. “To prosecute a rapist here, a woman needs a medical certificate proving that a rape occurred, which requires examination within two days” (Hartill 2010, 1). To obtain a professional examination in two days when women have little means of travel, aside from walking, is near impossible – even more so when one considers that “in North Kivu, a province of 800,000 people, there are
only three practicing gynecologists" (Hartill 2010, 1). These facts, combined with the massive numbers of women who have been victimized in the region, is a clear reason why there needs to be some outside intervention if women are ever to feel safe in this country again.

Though the Democratic Republic of the Congo is a sovereign state, on an international level the DRC is bound by international laws of war and international human rights laws, as are all countries. As noted in Chapter 2, sexual violence is prohibited by both bodies of law, and violations of such during times of war are subject to international prosecution. In addition to being responsible for adhering to international laws of war and international human rights laws, the DRC ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986. This makes the DRC responsible for establishing a state of equality for men and women as outlined in Article 5 of the CEDAW which protects women against sexual violence on the basis of men exerting dominance:

To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

International laws and treaties such as these are in place as a method of protecting a state’s citizens even when the state does not have a method of protection itself. There are many cases in which the constitution of a state grants no protection to women, as was seen with the Sudanese constitution that used patriarchal language and spoke of “property” and “honor” as entities that were protected, while women were not mentioned at all.
In the Democratic Republic of the Congo there are also domestic laws established which protect women from acts of sexual violence. The Congolese Constitution, established in 2006, protects women from atrocities like sexual violence in multiple ways. Article 14 of the Constitution compliments the CEDAW as it states “governments shall ensure the elimination of all forms of Discrimination against women and ensure the protection and promotion of their rights.” Even if sexual violence were not an issue in the DRC, this would grant women protection from discrimination against men in a patriarchal state. This article gives women the right to do everything men do, even if they do have the social stigma of having been victims of sexual violence.

While the Sudanese constitution stated little in methods of protection against sexual violence for women, Article 15 of the Congolese constitution addresses this issue directly:

Governments shall ensure the elimination of sexual violence used as a weapon of destabilization or disruption of the family. Without prejudice to the treaties and international agreements, any sexual abuse by any person, with the intent to destabilize, to break up a family and to eliminate an entire people is made a crime against humanity punishable by law.

This one individual article in the Congolese constitution is a huge step for women’s rights in the international system, yet violence against women continues to be perpetrated on a grand scale across the country. Where is the disconnect between written Congolese law and implementation? Granted, there are many laws on the books around the world prohibiting things like stealing, murder, speeding, etc. ranging from minuscule to severe, but for a law to be broken on such a grand scale, especially by the Forces Armées de la République Démocratique du Congo (FARDC), the government army, is an atrocity beyond words (Baaz
and Stern, 2009). This violation demonstrates the true lack of dedication towards women in the DRC. While violators of a law like this would be pursued and prosecuted in most states, the violations in the DRC are massive, coordinated, and entirely overlooked. There is no consequence within the DRC for violating these laws, which is a common and critical characteristic of sexual violence during war.

The International Response

In response to the atrocities in the DRC, the international system has taken some steps towards ending the atrocities that are taking place. Following the Lusaka Accord in July and August of 1999, the United Nations sent observers into the region to oversee implementation. During this time, the United Nations Security Council began to pass resolutions based on the peacekeepers’ findings in the region. It was Resolution 1273 that established the United Nations Mission in the Democratic Republic of the Congo (MONUC). The purpose of the MONUC was the monitor the provisions of the ceasefire agreement and report back to the UN Security Council before peacekeeping forces could be deployed. The observers themselves could not implement any of the provisions (“Blueprint for Peace” 2001). This was when the true severity of the conflict began to come to light. Prior to this point, the “international community ha[d] regarded the crisis in the DRC as an internal civil war and failed to recognize any foreign aggression.” It was not until the MONUC observation reports came back that “the reality of the situation on the ground, and what ha[d] been depicted as a ’3-year civil war in the DRC’ [had suddenly become] ‘Africa’s first civil war’” (“Blueprint for Peace” 2001). This conflict was no longer an
intrastate conflict that the government of the DRC could address, but an interstate conflict that had begun to impact the entire region.

In addition to international organizations like ENOUGH and Human Rights Watch, the United Nations has continued to pass resolutions related to the situation in the DRC, largely as a result of the findings from MONUC. However, it was Resolution 1820 that condemned the use of rape and sexual violence during times of war, noting that it is considered a war crime, and urged member states of the UN to condemn the act of sexual violence as well (UNSC Resolution 1820, 2008). Following the condemnation of sexual violence as a weapon against women, Resolution 1896, adopted in November 2009, called for an arms embargo against the DRC, as well as asset freezes and travel bans, much like the UN had previously instituted against Sudan (UNSC Resolution 1896, 2009).

In addition to the continued United Nations presence in the DRC, the International Criminal Court received a referral from President Kabila in 2004 which gave the prosecutor jurisdiction to prosecute individuals for crimes committed since the Rome Statute in 2002 ("Prosecutor receives referral of the situation in the Democratic Republic of the Congo" 2004). This allows the ICC to hold individuals accountable for the atrocities that were committed in the DRC, including cases of sexual violence being used as a weapon. As of the filing of this referral, five individuals are facing trial in the ICC related to crimes committed. However, of those five: one individual is still at large, two individuals have not yet been charged, and one individual is facing charges that do not include aspects of sexual violence. The other two individuals are being tried under The
Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (01/04-01.07), facing charges that include two counts of sexual violence classified as war crimes, and two counts of sexual violence classified as crimes against humanity. Their trial began on November 24, 2009, and is still in progress (“The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui” 2010).

The most recent international action regarding the Democratic Republic of the Congo was UNSC Resolution 1925, adopted in May 2010, which allowed for the continued presence of MONUC until June 2011 (“MONUSCO Mandate” 2010). This resolution called for MONUC to be renamed the “United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)” because the country had reached a point where rebuilding and stabilization would improve the overall state of the DRC (“MONUSCO Mandate” 2010). The United Nations continues to monitor the situation in the DRC.

The Utilization of Collective Rape as a Weapon

The situation in the Democratic Republic of the Congo demonstrates another way in which longstanding cultural tensions and a history of gender divisiveness can establish a conflict that is ripe for the use of collective rape as a weapon of war. These two elements, cultural tensions and gender divisions, are an integral part of what makes collective rape such a commonplace weapon in situations of conflict, as understood through the Triad Approach to Understanding Collective Rape. It is through this theoretical model that one can clearly identify the elements of conflict and how they intersect.
Women in the Democratic Republic of the Congo have long been victims of patriarchy within their own homes. While inheritance is matrilineal, women are still subservient to men in all spheres of life (Ziemke 2007). They are the ones responsible for upholding the honor and integrity of the family, as well as maintaining strong communal ties while the men provide food. As is shown above, “women are responsible for the majority of the day-to-day survival tasks,” which means they are the core of the family unit; however, they are treated as second class in relation to men (Ziemke 2007, 2).

In the DRC, tradition states that men are the dominant force in a family. And from birth, women are always the property of men, whether it is their father or their husband. The conceptualization of wife as property translates in warfare just as much as it is relevant in times of peace. Women are property to be owned, whether it is in the eyes of their husband or their rapist. When this property is “stolen” by combatants through the use of sexual violence, it is not only the women that suffer. Men have been violated through the “destruction” of their property and this violation breaks down the social structure within a family. The stigma associated with rape shames the woman, and her family, and weakens the community. Once a family has been shamed, the community is missing a piece of what once made it strong. Because women are conceptualized in this manner (as property), combatants have an easy target for defeating men though the men may be thousands of miles away at the time.

The longstanding cultural tensions that have plagued the country began during the reign of King Leopold. Even after his departure, the structure was already in place for an elite group of landowners and a
The cultural tensions in this conflict are twofold: there is an identity crisis along the eastern border as a result of the continued influx of Rwandan and Ugandan rebels, combined with a long-standing battle for natural resources and agricultural/pastoral land that has exacerbated the continuous tensions between the autochthonous (elite) landowners and the non-autochthonous (peasants) (Vlassenroot and Huggins 2005). These tensions shall be addressed individually.

The base conflict between the two factions boils down to one group having superiority over another. This creates resentment which is further exacerbated by the presence of natural resources in the Kivu region. “Nothing is more bitterly contested in North and South Kivu than control over land: the land issue has been, and remains to this day at the heart of ethnic violence throughout much of the region” (Vlassenroot and Huggins 2005, 153). Even without the additional aspect of interstate conflict, the elite landowners and peasants have been born into life in their specific social caste, which has created in them an inherent tension towards the other (Ziemke 2007).

In addition to the intrastate conflict, the country is also embroiled in an interstate conflict with factions from Rwanda and Uganda that have resulted in the Kivu region becoming an area of intense violence and destruction. While the historic cultural tensions in this case are more than enough to create a situation of conflict, the influx of refugees from the 1994 Rwandan war exacerbated the situation. When the Hutu rebels followed the refugees into the borders of the Democratic Republic of the Congo, they found a situation where there were already underlying tensions and prosperous natural resources at stake (“Timeline: Democratic Republic of the Congo” 2010). This was
an incentive for various rebel groups to take advantage of the conflict and begin to stake their own claim to the land and resources. However, the continuous shifting of alliances had contributed to the overall cultural tensions. There is no clear enemy, which creates a volatile situation where conflict spirals out of control.

In an effort to obtain control of these resources, it was necessary to find the most detrimental weapon to defeat their opposition. This is where cultural conflict and gender divisions intersect. **Collective rape is the weapon that enables combatants to impact the opposition to the furthest extent.** Sexual violence, inclusive of collective rape, in the DRC has decimated the Kivu region where “an estimated 7,000 cases of sexual violence against women and girls were registered at health centers across North and South Kivu in the first seven months of 2009, nearly double the number of cases in 2008” ("Human Rights Watch: World Report 2010" 2010). Women are targeted specifically because they are an easy way to break down the communal structure of an opposing faction. They have become targets, and after they are victimized they have been coerced into lying about their attackers in an effort to further intensify cultural tensions throughout the region (Csete and Kippenberg 2002, 26). In addition to this type of coercion, women were targeted as part of the opposition group. This is the quintessential result of longstanding cultural tensions and gender divisions, which is what makes collective rape such a successful and relevant tool in war. This theory is perfectly illustrated through the story of Mathilde V., a 1998 victim of sexual violence in the DRC:

In August 1998 Mathilde V. was in Chivanga, near Kavumu, when Rwandan Hutu combatants who said they were Interahamwe attacked
the village at dawn as part of their ongoing struggle with the RCD and RPA soldiers. “The Hutu had come to chase the Tutsi who occupied the area and who had just received supplies of ammunition,” she explained. The assailants forced the women to line up and carry their loads of loot and ammunition to their base. Mathilde V. was two months pregnant and felt weak on the long walk towards Bunyakiri. The Interahamwe accused Mathilde V. of being the wife of a RCD or RPA soldier because she looked well-coiffed and well off... (Csete and Kippenberg 2002, 27-28)

Mathilde V. was targeted for two reasons: she was a woman, and she seemed to be part of the opposition. This is a clear intersection of gender and cultural tensions.

Collective rape has become a weapon that is used by all parties in the conflict, even government soldiers like the FARDC. It is something that is overtly sanctioned, and when it is not sanctioned it is largely ignored in exchange for success in combat. “FARDC soldiers have committed gang rapes, rapes leading to injury and death, and abductions of girls and women. Their crimes are serious violations of international humanitarian law,” yet “commanders have frequently failed to stop sexual violence” and as a result “may themselves be guilty of war crimes against humanity as a consequence” (Kippenberg and Stauss 2009, 4).

The continuing situation in the Democratic Republic of the Congo, with regard to the longstanding cultural tensions and the clear element of patriarchal gender divisions has culminated in a situation where collective rape has thrived as a tool of war. These elements are integral parts in the Triad Approach to Understanding Collective Rape, and it is through this approach that one is able to examine the conflict in the DRC and understand how it has gone from being a small internal conflict to being the impetus for a greater African war.
These three elements must be dealt with separately if the global community hopes to eradicate sexual violence as a weapon of war. It cannot be stopped simply by dealing with a conflict once it has reached the state where sexual violence is happening. As one can see through the examination of conflict in the DRC, it is not one individual element that leads to this weapon, but multiple instances that culminate in a greater conflict. Each element, gender discrimination and cultural tensions, must be dealt with individually as they relate to collective rape. Both the global community and the DRC government must find a solution to the land ownership issues that were created during the reign of King Leopold. Additionally, there must be a push for elevating the status of women. Though the DRC has come a long way in the statutes that are outlined in the constitution, it is necessary that those statutes be thoroughly implemented and supported by the entirety of the state. The Triad Approach to Understanding Collective Rape, as outlined in Chapter 2, enables us to identify the contributing factors to collective rape, but identification does not make the difference – action does.
Chapter Six

Conclusion

Sexual violence is one of the most atrocious and detrimental weapons that exists in contemporary warfare. This weapon has been used to victimize women for centuries, yet efforts to eradicate its use in warfare have lacked the dedication required to truly initiate change. Collective rape, as it pertains to this study, is defined as “a pattern of sexual violence perpetrated on civilians by agents of a state, political group, and/or politicized ethnic group” (Green 2004, 101). This definition clarifies the capacity in which collective rape becomes a tool in warfare, and supports the study of cases in Sudan (Chapter 4) and the Democratic Republic of the Congo (Chapter 5) as a means for understanding the use of collective rape in war.

This thesis examined not only the history of sexual violence during war in Chapter 2, but also took an in-depth look at the various theories that have historically been used to explain this phenomenon. The examination in Chapter 3 of the Feminist Theory, the Cultural Pathology Theory, and Strategic Rape Theory revealed strong components of each, but it also exposed the weaknesses of each as an individual explanation for sexual violence. Feminist theory, as presented by Brownmiller (1975), bases its findings on the fact that men inherently seek dominance over women, particularly as a result of traditional patriarchal upbringings. In addition to this male/female dynamic, Bos (2006) also considers the ethnicity of individuals to take this dynamic
to another level. Women become targets during war, not only because they are women, but because they identify with a particular ethnic group (Bunch 1990). However, this theory fails to explain why, though there are thousands of patriarchal societies around the globe, not all of them result in conflict inclusive of collective rape.

Cultural Pathology theory offers some additional insight regarding collective rape, arguing that it is the result of long-standing cultural tensions between different factions (Gottschall 2004). This theory pins the root cause of conflict on the historical relationship between groups. This cleavage can be caused by religion, ethnicity, race, class, or a multitude of other cleavage-creating characteristics, but the root cause is always based in social history. While this theory may demonstrate how long-standing cultural tensions can result in conflict, it does not account for a phenomenon as egregious as collective rape.

The third of the theories examined, Strategic Rape theory, presents reasons for the use of collective rape as a tool of war, but it does not explain the root cause of utilizing rape as a weapon. Under this theory, “rape is a tactic executed by soldiers in the service of larger strategic objectives” (Gottschall 2004, 131). Collective rape is an inexpensive and efficient weapon because it enables an enemy to hurt the opposition physically, mentally, and socially. Rape during war impacts not only the woman, who is the victim, but the victimization also extends to the patriarch of her family (a husband or father), and the community to which she belongs. The problem with this theory is that while it explains that collective rape breaks down the social structure of a community, it does not
explain the reasons why the use of collective rape causes social upheaval.

While all three of these theories have their merits, it is through the combination of the central tenets of these theories that the Triad Approach to Understanding Collective Rape is born. The Triad Approach to Understanding Collective Rape explains situations where:

d) there is a historical tension of a pathological sort (i.e. ethnic, religious, nationalistic, etc. cleavages) AND
e) there exists a distinct power relationship structuring gender relations, like paternalism, AND
f) there is a violent conflict involving a range of methods intended to demobilize, dehumanize, and depopulate the “other.”

This Triad Approach is utilized in the assessment of cases in Sudan and the Democratic Republic of the Congo to demonstrate how the intersection of male/female gender dynamics and historical cultural tensions create a situation where rape as a weapon of war becomes a way to devastate a country. These three distinct elements can exist individually all around the world, but the combination of the three is the perfect storm that results in the continued use of collective rape as a weapon of war.

The gender dynamic between male and female is often the most easily recognized component of this approach. This dynamic is clearly represented in the conceptualization of women as property of men. This was seen in Sudan, when the Sudanese constitution included aspects of Shari’a Law wherein men began to consider themselves “moral guardians” of women (Hale 1992). Men ruled over women in every facet of life in Sudan, and though women did advance in some spheres, the Muslim men in Sudan believed that too many allowances for women would result in a tipping of the social roles. As a result, men sought to continually
reinforce women’s roles in society, and this attitude extended to situations of conflict (Hale 1992).

These beliefs were mirrored in the situation in the Democratic Republic of the Congo. Though in the DRC there are some matrilineal components within the social structure, women are still very clearly the property of men. From birth, a woman always belongs to a man (first her father, and then her husband). Though women take care of the household and are able to sell their wares and earn money, they are subject to the whims of the patriarchal figure in their lives (Ziemke 2007).

This gender dynamic is a viable part of individual and communal identity in both Sudan and the DRC, and it shows why women become targets during conflict. Not only are women traditionally the property of men (husbands, fathers, and during conflict, perpetrators of violence), but victimization of women at home extends to men in battle due to the attack on a man’s property. The variable of ethnicity can play an integral role here as well, because combatants are not only able to target women, but (Hutu, Fur, Zaghawa) women. Understanding this dynamic is a critical piece in understanding the dynamic of collective rape.

In addition to the gender dynamic, there is also a cultural component that intensifies conflict. This cultural component is based in long-standing tensions between groups within a conflict. In Sudan, this was illustrated in two ways: conflict between races (black African and Arab) and religions (Muslim and Animist). Because Nimeiri instituted a policy of Islamicization in 1983, the Arab Muslims gained political and social power within Sudan ("Background Note: Sudan")
2010). This led to a decades-long power struggle between the Arab Muslims and the black African Animists. The power struggle that occurred in Sudan was also present in the DRC, but the cultural conflict was based on social caste and land ownership, as opposed to race and religion (Csete and Kippenberg 2002). As a result of Belgian colonization, two different Congolese factions exist: elite landowners and non-landowning peasants. While this is a dynamic that occurs in many places around the world, the presence of a precious natural resource (diamonds) intensifies the power struggle between the two factions.

Another factor that exacerbates the conflict in the DRC is the influx of refugees and rebel tribes from neighboring countries, specifically Rwanda and Uganda (Csete and Kippenberg 2002). While the rebel tribes initially infiltrated the DRC in pursuit of refugees, the diamonds in the Kivu region have enticed the rebels into staying. This has created a cultural tension between the native Congolese in the region and the rebel troops who seek to decimate the communities in an effort to gain control over the diamond mines.

In both Sudan and the DRC there are instances of long-standing cultural tensions that have been ingrained in these communities. In Sudan, Arabs grow up believing they are superior to black Africans, and in the DRC, there is no way to escape the caste one is born into. Cultural tensions do not always lead to conflict, especially conflict that includes collective rape, but underlying cultural tensions are often the catalyst for a greater conflict.

The third component of the Triad Approach to Understanding Collective Rape is the effort of one group to demobilize, dehumanize,
and de-populate the other. This is the intent of collective rape in warfare. Collective rape, both in Sudan and the DRC, has been used to demobilize, dehumanize, and de-populate the other. In Sudan, specifically in the Darfur region, collective rape has been used as a “deliberate strategy with the aim of terrorizing the population, ensuring control of the movement of the IDP population and perpetuating its displacement” (“Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad” 2005, 3). Collective rape has been used in Darfur to humiliate women, and to shame them amongst their families and communities. This weapon succeeds due to the strong patriarchal traditions that conceptualize women as property of men, and the continuous cultural tensions between Arab Muslims and black African Animists. Arab men will rape a black African woman because they recognize the shame this will bring to the woman’s community. That is their intention. The more shame a community endures, the weaker its communal bonds become, which eventually leads to complete destruction.

Women in Darfur are perpetual victims of sexual violence. A 2009 study by Physicians for Human Rights found that as many as 40% of women in Darfur had been raped or sexually assaulted (“Rape as a Weapon of War in Darfur” 2009, 1). The continued use of rape as a weapon against women in Sudan has led to “the deaths of at least 180,000 people and the displacement of 2.5 million others” (“Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad” 2005, 5).

Collective rape in the DRC, occurring primarily in the Kivu region, is used to decimate communities and gain control of the diamond mines. The cultural tensions between rebel tribes, elites, and peasants in this region have culminated in volatile conflict where
combatants use rape to demobilize and dehumanize the communities. Women are targeted in this region much like they were in Sudan - to shame and weaken the community. Once a community is weakened, opposition forces are able to take advantage of the natural resources. Collective rape in the DRC succeeds as a weapon due to the conceptualization of women as property of the men (this is the same shaming process that exists in Sudan), and the continuous disputes over land ownership and possession of natural resources. Because these different factions are vying for power (contingent on possession of land and possession of the diamond mines), collective rape is successful as a method for quickly destroying a community and obtaining power.

Rape used as a tool of war in the DRC continues to leave a lasting impact on the country. In 2008, “the UN registered 7,703 new cases of sexual violence” in the Kivu region (Kippenberg and Stauss 2009, 6). Beyond the sheer number of victims, rape as a weapon of war endures long after the conflict has ended. Some of the most atrocious acts of sexual violence have occurred in the DRC where “the medical, psychological, and social impact of sexual violence is disastrous” (Kippenberg and Stauss 2009, 16). Collective rape is intended to inflict long-lasting damage, not only on the individual, but on the communities.

These components that frame the Triad Approach to Understanding Collective Rape can exist individually, but the combination of the three is what makes sexual violence the egregious and incapacitating act that it has become in contemporary times. The Triad Approach to Understanding Collective Rape presents the root causes for the
utilization of sexual violence in warfare. It is through understanding these components that the global community can take steps towards eradication of sexual violence.

Though understanding these components is the first step in eradicating sexual violence as a weapon of war, comprehension alone is not enough to initiate change. While the solution to ending sexual violence and preventing its use in future conflicts will not happen overnight, there are three main steps that the international community can take that will change the way sexual violence is perceived. This change of perception can be made through education, action, and commitment. All three of these measures can be accomplished by individuals, groups, governments, international organizations, and most importantly, the international system as a whole.

Education

Eradicating sexual violence as a weapon of war begins with education. Part of education is the recognition of women’s rights in the international system and acknowledgement of the lack of respect the plight for women’s rights receives. While many democracies have made some great strides towards equality (with, undoubtedly, much work left to do still), these successes are not mirrored in many places around the world. In 2006, Human Rights Watch published “Libya: A Threat to Society? The Arbitrary Detention of Women and Girls for ‘Social Rehabilitation’,“ a study on the discrimination women are facing in Libya:

The government of Libya is arbitrarily detaining women and girls in “social rehabilitation” facilities for suspected transgressions of moral codes, locking them up indefinitely without due process. Portrayed as “protective” homes for wayward
women and girls or those whose families rejected them, these facilities are de facto prisons. In them, the government routinely violates women’s and girls’ human rights, including those of due process, liberty, freedom of movement, personal dignity, and privacy. Many women and girls detained in these facilities have committed no crime, or have already served a sentence. Some are there for no other reason than that they were raped, and are now ostracized for staining their family’s "honor." There is no way out unless a male relative takes custody of the woman or girl or she consents to marriage, often to a stranger who comes to the facility looking for a wife. (1)

This study demonstrates the lack of awareness not only in the United States, thinking that atrocities like this no longer exist, but also around the world. What level of success in advancing women’s rights can the international system claim when women are still held responsible for bringing dishonor to a family by being victims of sexual violence themselves? This is not happening only in Libya, but also in Sudan, Iran, Afghanistan, and the list goes on. This is a reflection of how patriarchy stunts the growth of nations – women are responsible over things they cannot control, and when victimized by men, the women are the ones who have done wrong by allowing themselves to be victimized. It is a vicious circle that can only end when countries where these types of expectations are acceptable receive education enabling them to elevate women’s rights to a higher level.

In addition to becoming educated about elevating women’s rights, it is also important to be educated about the longstanding cultural cleavages around the world, and how those cleavages impact society. The global community must realize that while patriarchy and cultural cleavages can exist in peace time, when a conflict erupts, it is the countries that have strong cultural cleavages and a history of gender discrimination that are most susceptible to the use of collective rape as a weapon. On a state level, governments must work to eradicate the
cultural cleavages within their borders. Actions must be taken to ensure equal treatment of all factions, and leaders of a country must be proactive instigating peace talks, rather than reacting once violence has already begun. Governments must make an effort to educate their people on the common good that they share, rather than reinforcing the differences between people.

Education must not only be a responsibility of an individual government, but of the international system as well. Eradicating sexual violence must begin with eradicating the peace time behaviors that mimic the sexual violence women experience during times of conflict, because "research shows that wartime gender violence highlights preexisting sociocultural dynamics" (Olujic 1998, 31). The international system and international bodies such as the United Nations must be well-versed on the condition of women’s rights and cultural cleavages within countries around the world so as to act preventively. For instance, the UN must look at the arbitrary detention of women in Libya and realize that those types of actions are red flags. If this type of behavior is happening during times of peace, what will be the next step in times of conflict? There are daily reports on human rights abuses all around the world, some of which deal with women’s rights or cultural cleavages, and these reports must not be ignored.

The United Nations, as an international body, must take the initiative to educate countries on women’s rights and ways to lessen cultural cleavages before a situation of conflict arises and the UN is left reacting to violence. While this seems like a heavy responsibility, waiting until sexual violence has become rampant is not
the time to send UN observers to gather information about the situation. Membership within the United Nations should require each state to allow UN observers to evaluate social conditions within its borders every five or ten years, depending on the results. Much like the census in the United States records the number of people living within a certain area and so on, there needs to be some method of UN record-keeping that allows this international body to monitor a situation on an ongoing basis. If there are makings for internal conflict (economic upheaval, a failing political system, ethnic or religious unrest) that have previously led to conflict in other places around the world, the UN observers should report on the situation every five years. If the country seems stable (improved standards of education throughout the country, a functioning political system, a dedication to promoting human rights including the rights of women) then the observers can come every ten years.

While this may seem like an invasion of sovereignty, if it is carried out on an international basis and all countries are subject to these observations (even permanent members of the United Nations Security Council), the United Nations would have a process in place for identifying red flags of conflict and creating preventative measures to deal with a situation before it turns into a full blown conflict where sexual violence and other violations of international law run rampant. One place where this "observing" may have made a difference is Bosnia-Herzegovina. In her 1998 article, "Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina," Maria Olujic illustrates a common practice in southeastern European countries known as "play rape". As noted earlier:
Rape and symbolic or “play rape” have historically been a part of some marriage rituals in southeastern Europe. Marriage by capture (otmica), in which a man kidnaps a woman and takes her to the mountains to sexually express his right over her as his wife, often took place without the consent of the woman or her male kin... The theme is also played out in a form of courtship called “chasing” (gonjanje), which became especially common after World War II. Male teenagers would run after a woman, knock her down, jump on top of her, pin her onto the floor, roll her over, and then pinch her breasts or grab at her genital region. In public, this physical assault aroused the cheers of men...” (36-37)

Had observers seen this type of behavior during times of peace in Bosnia-Herzegovina, they could have regarded it as a red flag and worked towards educating the government of Bosnia-Herzegovina on the repercussions these types of behavior could have if and when conflict ever broke out. Identifying red flags of both conflict and sexual violence could go a long way to preventing the types of atrocities that the world saw in Rwanda, Sudan, the Democratic Republic of the Congo, Bosnia-Herzegovina, Somalia, and so on. Critics will argue that these measures are “impossible” due to sovereignty. They may believe that such oversight will not change the state of collective rape. However, as the global community becomes increasingly aware of, and appalled by, atrocities victimizing innocent civilians, intermittent observation is becoming both acceptable and necessary.

In addition to the need for international education and observation, the global community must make efforts to work within communities that have experienced conflict and educate the people on how to prevent conflict in the future. Through the work of organizations like the United States Institute of Peace (USIP) and the Institute for Inclusive Security, women in Iraq and Afghanistan have begun receiving training regarding how to coexist and communicate with one another peacefully. The USIP has created a Toolkit for Women’s
Leadership on Collaborative Problem Solving, which is a three-phase project that incorporates women from all walks of life in Iraq, from civil society to national leadership. The first phase of this project in the Strategic Economic Needs and Security Exercise (SENSE) where women use a computer-facilitated simulation that focuses on negotiation and decision-making skills to help them work through the challenges of their role in the rebuilding of a country after conflict. This program removes all of the divisive characteristics of society (age, regional identity, social status) so that women can recognize the root of problems, rather than having to approach a situation as it relates to their personal background. Following this exercise, women will work together to create a vision statement that recognizes long-term goals of recovery (phase two) and from there, create an action plan which will identify strategic opportunities to improve women’s leadership within the country (phase three) (Kirdar 2010, 5).

This initiative is a working example of how the global community can work with communities and countries to help them recover from conflict, and work towards rebuilding a more stable future. The women who participate in this program will be provided with meaningful solutions for conflict resolution and development. They will be provided with tools and experience needed to continue addressing their own stabilization needs.

Another initiative the USIP had been working on, particularly in Sudan, is the Education and Training Center for International Programs. Through this education center, woman from many parts of Sudan gathered together at a workshop in March 2010 to discuss obstacles women face within their communities. While this workshop initially included 11
women, one obstacle that was continuously mentioned was gender. As a result, the USIP decided to invite men into the workshop so that both groups could discuss obstacles with one another. The groups were able to share their concerns (women were troubled by their lack of rights, while men felt a heavy burden to protect and provide for women) which made them capable of empathizing with roles in society and move beyond traditional roles to build peace and political inclusion in their communities ("Popular Consultation in Sudan" 2010).

This type of education is one of the first steps in eradicating a major factor in the use of collective rape. The closer men and women come to equality, the less efficient collective rape will be because it will no longer result in communal shame.

Action

Actions, from those of one single person to those of the entirety of the international system, are the backbone of eradicating sexual violence as a weapon. As individuals, countries and the world it is not acceptable to sit idly by as thousands of people are being victimized. Ironically, though it is countries and the United Nations that have the manpower and capability to intervene in conflict, getting those bodies to the point of intervention is going to be the result of individuals taking the initiative. Individuals must speak out against both sexual violence as a weapon and the poor state of women’s rights around the world. Educating oneself about an issue means nothing if you do not, in turn, work towards the act of educating others and promoting change. Taking the first step is often the most difficult part of acting – where does one start? Many times, people envision the
big picture actions that they would like to make, but feel unable to actually take those steps. These people fail to realize that there are very small steps one can take to influence a bigger picture. In their book, *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond*, Don Cheadle and John Prendergast (2007) offer what they call, “six strategies of effective change:”

- Raise Awareness
- Raise Funds
- Write a Letter
- Call for Divestment
- Join an Organization
- Lobby the Government (160)

These six strategies offer different ways in which one individual can begin to make a difference. While it takes more than one letter to influence a representative, one person raising awareness of the ways in which change can happen turns into ten people, which turn into hundreds and eventually thousands and so on, but nobody is going to rally behind a movement if one person does not take that first step to speak out.

Raising awareness is the first, and undoubtedly the most important, step in eradicating sexual violence as a weapon. The world cannot be expected to care about something it has no knowledge of. Additionally, there must be an awareness of how dire the need for change actually is. This level of awareness is something people in the United States fail at again and again. When the news media reported on the 1994 bombing of a Sarajevo marketplace, the devastation was shocking even though the conflict had been going on for three years. The general public was simply not aware of what was going on in that part of the world (“1994: Market Massacre in Sarajevo” 2010). One of the reasons for that is the way in which the news media within the
United States operates. The networks of ABC, NBC, CBS and FOX are four major sources of news within the United States. These are the places people look to be informed when they come home from their nine-to-five jobs. Yet these “news” sources are failing to educate the American people on news around the world, and instead are showing sensational stories that will gain viewership. It is the responsibility of individuals, as viewers, to tell these networks what they want. Cheadle and Prendergast (2007) brought this fact to light in *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond*:

During June 2005, a full two years into the Darfur crisis, NBC aired a mere five segments on genocide, and CBS had none… NBC and CBS aired well over three hundred reports on Tom Cruise’s romantic relationship with actress Katie Holmes, and well over five hundred stories on the Michael Jackson trial. FOX News had forty-one pieces on Sudan, but an astounding 1,753 stories dedicated to the dethroned King of Pop, Mr. Jackson. In all, the top television news teams aired sixty-five times more segments on what amounts to celebrity gossip than on the genocide in Sudan. (160-161)

Much like individuals must encourage their politicians to act on eradicating sexual violence, they must insist that news sources begin once again relaying actual news to their viewers.

Aside from influencing the media to report more prominently on sexual violence, one can also raise awareness through the internet. Starting a blog about the victims of sexual violence can get their stories out all over the world, which may influence others do to the same. The LIVESTRONG campaign to fight cancer started out as the idea of an individual, Lance Armstrong, and through his Lance Armstrong Foundation this campaign has raised $325 million dollars to fight cancer (“Livestrong: Financial Information” 2010). This can happen with the fight to eradicate sexual violence, it only takes one person
to get the ball rolling and involve others through education and commitment to the issue.

Raising funds is another action that can be taken in the effort to eradicate sexual violence. While the LIVESTRONG funds go, in a large part, towards funding cancer research, funds raised for eradicating sexual violence can go to a multitude of organizations that make a difference. Raising money is something that is ingrained in our culture from the very first school bake sale that raises money for a trip to the science museum, through the charities that raise money on a daily basis for cancer research, to feed the homeless, etc. Eradicating sexual violence needs to become one of the things for which funds are raised, and one does not have to be part of a well-established charity to make this effort effective. After funds are raised, there are dozens of reputable organizations that will funnel money to the right places, including organizations like ENOUGH and the International Crisis Group which work towards ending conflict and atrocities like sexual violence. These organizations are working to make a difference and through the actions of one individual, enough money can be raised to help the organizations make their goals reality.

Letter writing may seem like a minuscule task, but letter writing is the tangible evidence to State Representatives, Congress, the President, and the United Nations that someone in the world is aware of the suffering that is going on abroad and they want the people who have the capability to make a difference to do so on their behalf. When reflecting on what could have changed the response to genocide in Rwanda, Senator Paul Simon said “a mere one hundred letters to each member of Congress could have changed the outcome” (Cheadle and
Prendergast 2007, 176). This is the type of action that is easy to do yet it has such a big impact. Some college courses have more than one hundred students in a single classroom at a time; this is the perfect time for a teacher to assign his/her students this task. If a teacher had six different classes that contained one hundred students each and all students were given this assignment that would equal six hundred letters written encouraging a representative to take up this plight. It is an easy, inexpensive, and effective way to encourage change.

Another action that individuals must take is becoming responsible for insisting on divestment. Companies all around the world have investments in areas where there are crises, and demanding that companies withdraw their investments from corporations that fund conflict is a moral responsibility that people must act upon. There is no particular company that invests in these corporations abroad; it can be banks, oil companies, universities, energy companies and basically any corporation that makes investments (Cheadle and Prendergast 2007). Individuals must make an effort to encourage these companies to withdraw their investments from corporations that are funding conflicts and violence through letter writing, withdrawing their own individual investments, or boycotting products. Conflicts cannot be funded if the funds no longer exist.

Joining an organization is another way to act to eradicate sexual violence. Not only will this give an individual an opportunity to be hands on in some way in ending the atrocity, it will also show the world that people care about an issue and want to see it resolved. In the United States, drunk driving is a major issue. Mothers Against Drunk Driving (MADD), through the extensive work of individuals who are
passionate about the issue, has helped to pass “laws requiring
interlocks for all convicted drunk drivers” and has influenced members
of the U.S. House of Representatives to “include a stipulation in the
Highway Reauthorization Bill that would penalize states that do not
pass legislation requiring all convicted drunk drivers to use ignition
In regard to sexual violence used as a weapon of war, organizations
could encourage legislation that outlines ways in which the United
States will work towards eradicating sexual violence. Organizations
always welcome more supporters, and if one is looking to act to
eradicate sexual violence joining an organization dedicated to that
goal is a good way to do it.

These five strategies are all intrinsically connected to the
sixth – lobbying the government. The biggest way in which an
individual can make a difference is to beg, plead, encourage and demand
their government to get involved. As a citizen in the United States,
everyone has the privilege of being able to meet with their
representatives in the government. And while some people may think
that their representatives do not care what they say, “these officials
are there to listen to you as a vote and constituent” (Cheadle and
Prendergast 2007, 196). This is a right of every individual voter and
if voters do not meet with their representatives in some aspect, then
they are forgoing their right to influence the issues that are most
important to them.

All of these actions committed by individuals will encourage
actions by the government. If the country is saying that it wants
President Obama to work with other countries around the world to create
a no-fly zone over Sudan so that bombs cannot be dropped, chances are he would find a way to make it happen (Cheadle and Prendergast 2007). While results like this sometimes take time to put into place, the initiative starts with individuals and moves to a higher level once individuals have made their voices heard. Politicians, especially in the United States, are at the mercy of their constituents. If constituents are unhappy, politicians will not be re-elected so they do what they can to represent the interests of their constituents in government. When Barack Obama was running for President, one of the most important things people in the United States wanted was an end to Operation Iraqi Freedom – Operation Iraqi Freedom has ended (“Obama hails end to US combat operations in Iraq” 2010).

Once an issue is raised, the government must do all it can to resolve the issue. After intelligence on a conflict is gathered, countries must take action immediately to do what they can to bring peace. This does not mean violating sovereignty when it is uncalled for, but for the Dayton Peace Agreement to come four years after fighting had begun in Bosnia-Herzegovina was a failure on the part of the international system (Quinn 2005). When faced with a crisis like that in Bosnia-Herzegovina, or Sudan, or Somalia, governments must mobilize to end conflict before further atrocities can be committed. This coordination, in large part, must be the responsibility of international organizations like the United Nations.

As an international body, the United Nations has the power to send peacekeepers and observers into areas of conflict. It has the ability to create sanctions, pass resolutions, and call to action the most powerful countries in the world in an effort to stop a conflict or
take a stand against atrocious government action. As member states to
the United Nations, countries have the responsibility to follow through
with all UN resolutions or sanctions. The United Nations, in
accordance with the rest of the world, needs to start setting standards
for the treatment of individuals and following through with
repercussions for violations of those standards.

First, the UN must work to elevate the status of women around the
world. While it has made great efforts with the Convention on the
Elimination of All Forms of Discrimination Against Women, the
Declaration on the Elimination of Violence Against Women, the
Millennium Declaration, and the UNiTE to End Violence Against Women
campaign, it is clear that despite these efforts, violence and
discrimination against women still exist to the point of governments
allowing sexual violence to be used as a weapon of war. The UN must
take a hard stance against discrimination against women, and especially
against sexual violence being used as a weapon. While it may seem
difficult for the UN to remain an impartial international body and,
especially lacking a body of enforcement, there are actions the UN can
take in an effort to eradicate sexual violence. Individuals suspected
of violating international human rights law must be prosecuted – during
the conflict this can happen through the freezing of assets or taking
away their ability to move freely between states (Cheadle and
Prendergast 2007), and after conflict this can be accomplished by
bringing charges against those individuals in the International
Criminal Court (ICC). Further, the United Nations needs to work with
states on an individual level to develop their own forms of national
courts to deal with criminals on this level, instead of depending on
court systems like the tribunals for Yugoslavia, Rwanda and Tokyo. Governments must demonstrate to their citizens that they are committed to bringing these violators to justice within their own state, not through the force of an international institution like the UN.

Commitment

With the situations in Rwanda, Bosnia-Herzegovina, and Sudan, some of the most surprising facts are that these countries are experiencing genocide much like that from World War II, though after the defeat of the Nazi regime, much of the world vowed to “never again” allow atrocities like that to occur (Cheadle and Prendergast 2007). This demonstrates that real commitment is such an important step in the process to eradicate sexual violence as a weapon of war. Without the commitment from countries around the world and the United Nations to stop this type of atrocity from happening, chances are that it will happen over and over again. It is unrealistic to think that states will not experience conflict, whether intrastate or interstate, from time to time, but it is not unrealistic to expect that states work towards remedying some of the situations which led to the conflict reaching such epic proportions.

The responsibility of remedying situations that result in the use of sexual violence does not belong only to the state. It is the duty of the international community to step up and initiate change that will improve the living conditions of people around the world. If the international community were to look at how to help a country build a sustainable future through a multi-faceted approach to aid, it may be possible to give a country tools to deal with some of the inadequacies
it faces. For instance, if the United Nations discovered that there was an area in Zimbabwe where cultural tensions were being exacerbated by a food shortage, the international community should commit to not only sending food aid, but also to creating a base where the country’s government could monitor the cultural tensions as well. Once cultural tensions have been exacerbated by another factor (a food shortage, in this situation), the cultural tensions do not disappear just because the food shortage ends. This small change could go a long way in decreasing the levels of violence that civilians experience during conflict.

In addition to creating plans to combat sexual violence as a weapon of war, states and the United Nations must commit to standing strong in the face of adversity or other priorities. It is not uncommon for states to turn the other way regarding something like sexual violence if there is a more lucrative deal or prioritized agenda at home. All states are guilty of this action in some respect, but, as Cheadle and Prendergast (2007) illustrate in Not On Our Watch: The Mission to End Genocide in Darfur and Beyond, the United States is guilty of allowing genocide to occur in exchange for support in the war on terror:

Beyond indifference and the ghosts of Somalia, responding to Darfur has an additional obstacle. Sudanese government officials, who were close to Osama bin Laden when he lived in that country from 1991 until 1996, are now cooperating with American counterterrorism authorities. The regime in Khartoum rightly concluded that if they provided nuggets of information about al-Qaeda suspects and detainees to the Americans, the value of this information would outweigh outrage over their state-supported genocide. In other words, when U.S. counterterrorism objectives meet up with anti-genocide objectives, Sudanese officials had a hunch that counterterrorism would win every time. These officials have been right in their calculations...In order to win the peace in Sudan, we must first win an ideological battle
at home. We must show that combating crimes against humanity is as important as combating terrorism.” (11-12)

States must stop making arrangements with countries like Sudan that are experiencing a government supported genocide and the mass use of sexual violence as a weapon in exchange for personal interests. It is important to understand that both terrorism and human rights are of national interest not only to the United States, but to the global community. These two issues, terrorism and human rights, are not mutually exclusive. Civilians in Sudan and the DRC are subject to a government-sanctioned terrorism that the U.S. is ignoring in its “war on terror.” The issue states have, and in this case, the United States, in regard to dealing with different information and agendas is that they do not choose between their own agendas and the greater good. This is another reason that crimes should be handled by intergovernmental organizations rather than by states with their own conflicting interests.

Most importantly, individuals, countries, and international bodies must commit to dealing with the individual elements that enable collective rape to be such an effective weapon of war. Women’s rights have faced a difficult road because “even the pioneers of rights for men often had a moral blind spot that prevented them from seeing that those rights should extend to women” (Talbott 2005, 89). This is echoed in the way in which women have no individual rights in countries like Sudan and the DRC and are often considered the property of men. Women must be given value not only for their reproduction abilities (Olujic 1998), but also as autonomous human beings. This lack of value is what leads to the discrimination of women all around the world, and undoubtedly what plays a part in atrocities like sexual violence being
used as a weapon that is acceptable among soldiers and governments in places like Sudan, the DRC and Bosnia-Herzegovina.

Additionally, the cultural cleavages within societies must be addressed in some manner – through the use of peace talks before conflict arises, or through the continued observations of UN personnel and the subsequent action based on findings. If the international community can establish a method of dealing with these two individual elements, there is a much better chance of truly eradicating rape as a weapon of war.

Through the application of the Triad Approach to Understanding Collective Rape in Sudan and the DRC, it has been shown that there are three components that promote the continued use of sexual violence as a viable weapon of war. Addressing these components will enable the global community to address the issue of sexual violence in a way that will eradicate future use. There must be a global commitment to ending sexual violence through sustainable means of diplomacy and international interaction. Sexual violence has become a common tool for destruction within conflicts around the world, but the utilization of the Triad Approach to Understanding Collective Rape, in combination with Education, Action, and Commitment on the part of the global community can establish a state of affairs where women are no longer a target in warfare.

Sexual violence has become a massive issue, especially throughout Africa, and the possibility of eradicating that issue should be a top priority for the global community. It is incomprehensible that the quality of life one lives, a life free of fear and victimization in an already nerve-racking situation (conflict), is dependent upon the
willingness of an international actor to violate sovereignty. Intervening in a conflict where sexual violence has run rampant should be an expectation, not a debate. Human rights are universal. They do not change in relation to religion, they do not change in the face of patriarchal traditions, and they do not change because collective rape is a quick and efficient weapon for decimating a society. Collective rape is a violation of basic human rights and must be met with the same condemnation given to an atrocity like genocide. The end result is essentially the same - hundreds of thousands of people are victimized based on criteria they cannot control. The international system has the ability to change this, and it is the responsibility of every citizen in this world to initiate change today.
BIBLIOGRAPHY


Hodgetts, Colleen.  “Consumer Power: Why We Should Demand Conflict-Free Minerals from the DRC.”  Gender Across Borders (September 22, 2010), http://www.genderacrossborders.com/2010/09/22/consumer-
power-why-we-should-demand-conflict-free-minerals-from-the-drc/ (accessed 3 October 2010).


ICC. “Case The Prosecutor v. Omar Hassan Ahmad Al Bashir.”


Qur’an, Surat Al-Baqarah (2:282)


United States Institute of Peace. “Popular Consultation in Sudan.” United States Institute of Peace (2010),

Vlassenroot, Koen and Chris Huggins. “Land, Migration and Conflict in


