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Engendering Peacebuilding:
Case Studies from Cambodia, Rwanda and Guatemala

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INTRODUCTION
ENGENDERING PEACEBUILDING

The Concept of Peacebuilding

The dominant understanding of peacebuilding in foreign policy presents it as a package of measures intended to strengthen and solidify peace by building a sustainable infrastructure of human security.[1] The Canadian Department of Foreign Affairs and International Trade (DFAIT) defines peacebuilding as the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peacebuilding is to enhance indigenous capacity of a society to manage conflict without violence.[2]

Peacebuilding may involve a number of activities, including conflict prevention, conflict resolution and post-conflict reconstruction.[3] Under the auspices of this nascent field are a variety of issues including environmental security, good governance and democratic development.

Complementing DFAIT's work on the human rights of women in situations of armed conflict, an additional priority area has been in "gender and peacebuilding" in which the Peacebuilding and Human Security Division (AGP) has been engaged in a process of conceptualizing how to integrate a gender perspective into its policy, strategies and operations.[4] This piece is intended to be a

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[1] Peacebuilding and Human Security Division, Global and Human Issues Bureau, Department of Foreign Affairs and International Trade (DFAIT), "The Canadian Peacebuilding Initiative Strategic Framework", The Canadian Peacebuilding Initiative, 1997-1998. November 1997. Human security is defined by the Canadian Department of Foreign Affairs as "safety for people from both violent and non-violent threats. It is a condition or state of being characterized by freedom from pervasive threats to people's rights, their safety, or even their lives. From a foreign policy perspective, human security is perhaps best understood as a shift in perspective or orientation. It is an alternative way of seeing the world, taking people as its point of reference, rather than focussing exclusively on the security of territory or governments. Like other security concepts - national security, economic security, food security - it is about protection. Human security entails taking preventive measures to reduce vulnerability and minimize risk, and taking remedial action where prevention fails." DFAIT, "Human Security: Safety for People in a Changing World", April 1999.

[2] Ibid.

[3] Ibid.

[4] Efforts include peacebuilding consultations held with the NGO community; a policy paper, "Gender and Peacebuilding", February 1998, located at http://www.dfait-maeci.gc.ca/peacebuilding/gngoc_gender-e.asp; a bilateral initiative with the UK on Gender Sensitization Training for Civilian and Military Participants in UN Peace Operations; and participation in the Gender and Peacebuilding Working Group which consists of government agencies, NGOs, and university and independent researchers.

contribution to AGP's work in this regard.

Peacebuilding has been identified by DFAIT as focussing "primarily on the political and socio-economic context of conflict, rather than military or humanitarian aspects."[5] Analyzing peacebuilding however through a gender lens makes drawing this distinction problematic. The linkages between these aspects will be explored further in the report.[6]

In many ways the subject "gender and peacebuilding" is a misnomer. Gender is already heavily inscribed in approaches to peacebuilding and the policies themselves. Policies which are posited as gender-neutral instead possess an inherent gender bias and therefore entail gender specific burdens and consequences. The case studies in this report demonstrate how policies are informed by gendered assumptions about men and women, their socially constructed identities and roles; and the relationships between them. These assumptions impact the field by determining who are considered legitimate actors in peacebuilding; and what are considered legitimate subjects of inquiry and action.

The Importance of Gender and Peacebuilding for the Larger Community

The need to apply gender-based analysis to the study of peace and conflict and incorporating a gender perspective into peacebuilding and foreign policy writ large extends beyond Canada's international obligations. By informing analysis and policy development, gender-based analysis can make peacebuilding policy and programmes more effective.

Gender-based analysis[7] can, *inter alia*:

- inform the development and implementation of peace support operations and address the burdens and consequences that they can entail for recipient countries' populations;

- make the linkages between human and international insecurity more tangible and therefore offer points of entry for policy and programmes;

- offer new insights on a whole range of experiences including times of refuge, liberation

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[5] DFAIT, (1997), op. cit.

[6] The terms "gender" and "sex" are often conflated or equated when in fact they have different meanings and utility as analytic tools. The term "sex" refers to a biological distinction. Gender, on the other hand, is understood as a social construction that assigns different characteristics including behaviours and attitudes, roles and responsibilities to women and men based on their biological difference. Gender is a more useful analytic tool because it takes into account the relationships between men and women but also the forces that are employed to construct the relationship, sustain it and replicate it on a global scale.

[7] Here I refer to a specific gender-based analysis, known as a critical feminist approach. This will be further defined in the section, "Feminist Approaches to International Relations".

movements and post-war reconstruction; [8] and finally,

- demonstrate how prevailing state and military discourses rely on specific constructions of sexed and gendered women and men.

Apart from the benefits that a gender-based analysis confers on the creation of policy, the motivation for its inclusion and consideration is compelling. Policies and programs need to be developed from a gender perspective because in all, and especially fragile, war-torn societies, the social order can easily be reconstructed in a way that reconfigures gender inequality.[9] Moreover, gender-based analysis should be employed because unequal gender relations are increasingly understood as contributing factors to the causes of violence and armed conflict itself.

Peacebuilding: An Opportunity for Change?

In this report multiple phases of peacebuilding are examined including the pre-conflict situation; the examination of a genocide; and a peace operation. The report is organized according to the geographic case studies of Rwanda, Cambodia and Guatemala and a variety of issues are contextualized within each of them. For example, in the case of Cambodia the focus is on the impact of the United Nation peace operation on Cambodian society, as opposed to exploring the similarities and differences between the UN operations in all three countries. This approach is not to suggest that the gendered consequences of UN peace operations are an anomaly or specific to Cambodia. Indeed in many instances, UN peace operations have entailed significant gender-specific burdens and consequences for host populations regardless of size of mission, duration of stay or the complexity (or simplicity) of the operation's mandate. Nor should the approach of this paper be construed as dissatisfaction with comparative studies. In fact, they are extremely useful tools in the identification of similarities and differences, but sometimes this is done at the expense of particularities and specificities. In many ways, the search for similarities and differences acts as a filter and eliminates from view the nuances which may provide for a richer, more contextualized analysis.

The rationale for focussing upon one or two issues within each case study is so that more attention could be granted to:

- gender relations in the pre-conflict stage and how it impacted on the status of women in the

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[8] In many countries, due to heavily skewed demographics, the burden of post-conflict reconstruction falls primarily upon the shoulders of women. Therefore, programs and policies need to take into account the specifics of gender roles and responsibilities in any given society. Peacebuilding policies also need to take into account the already existing demands on women's time as the primary caregivers and managers of the household before expecting them to engage in additional activities.

[9] Cynthia Enloe, **The Morning After: Sexual Politics at the End of the Cold War**. Berkeley and Los Angeles: University of California Press, 1993. pp. 23

conflict and post-conflict stages;

- cultural, ethnic, racial, and class variabilities and specificities;

- revealing how gender relations are instrumentalized by a number of actors, including the state for a variety of purposes;

- focus on the relationship between conflict and changing gender relations and the necessary material conditions;

- focus on whether conflict reconfigured gender relations and whether these were sustained over time or were reversed; and

- focus on specifics of post-conflict reconstruction in each case.

Methodology and Sources

(En)Gendering Peacebuilding: The Cases of Cambodia, Rwanda and Guatemala has been prepared primarily through the use of already existing materials collected during the period of May 1998 to February 1999. These include academic monographs, articles and conference papers taken from a variety of fields including feminist theory, gender and conflict, international security and international relations theory. Other forms of documentation were also used including reports from United Nations institutions including the United Nations Development Fund for Women (UNIFEM), the International Labour Organization (ILO), United Nations High Commissioner for Human Rights (UNHCHR), United Nations High Commissioner for Refugees (UNHCR), United Nations Division for the Advancement of Women (DAW) and the United Nations Children's Fund (UNICEF); non-governmental organizations' (NGOs) reports; and reports and policy papers from DFAIT.

Some interviews were conducted, primarily with academics, policy analysts and foreign service officers, and field researchers. These interviews were informal discussions conducted either in person, telephone, or in some instances via email.

This report was written with the main objective of developing a policy paper with recommendations for future paths of implementation for the DFAIT, and AGP specifically. It was however written with a broader departmental audience in mind and hopefully it can be used as an introduction to the field and as a resource so that other divisions can see the relevance of gender-based analysis for their own work and gain some insights into its application. The report may also have relevance for other groups including other governments' policy-makers, researchers, and NGOs.

Outline of Report

The first section is an introduction to feminist theory and provides the analytical framework for the case studies. Its inclusion is intended to demonstrate how gender-based critiques of international relations, armed conflict and peacebuilding are formed and where some of the analysis in the report is derived from; as well as indicating the contributions it makes to international relations and peacebuilding as a whole. The section, however, is merely an introduction to feminist theory. In order to make the majority of the arguments accessible, the complexity and diversity of this literature has been simplified.

The Cambodian case study deals specifically with the impact of the United Nations Transitional Authority in Cambodia (UNTAC) on the country and draws lessons for future peace operations. For many Cambodians UNTAC's legacy is not peace, but HIV and AIDS. The spread of HIV in Cambodia is discussed within the context of UNTAC; and in this section the relationship between socially constructed identities and the military and the subsequent impact on host-countries will be explored. The value of subjecting UNTAC to a gender-based analysis extends beyond the interests of women or those interested in the promotion of the human rights of women. Ultimately, what happened in Cambodia speaks to the issue of UN and specifically UN peacekeeping credibility and will affect the ability of the UN to fulfill future mandates. Gender-based analysis is a useful tool for making peace operations better.

The case of Cambodia demonstrates the need to rethink how peace operations are mandated and implemented, but also demonstrates the need to rethink the prevailing understanding of peace as the absence of war or armed conflict. Subjecting UNTAC to a gender-based analysis is instructive in this regard. For example, one of the ways in which UNTAC's success was evaluated was by its ability to fulfill the goal of repatriating refugees. However, as the end of the operation's mandate neared, the emphasis was placed on getting the refugees out of the camps, and as a result many women were poorly prepared, both materially and psychologically, which impeded their ability to reintegrate into society. In the post-UNTAC period, despite the absence of armed conflict, the situation of Cambodian women also challenges our understanding of peace. It is suggested in this section that a feminist understanding of peace, one that includes notions of economic autonomy and freedom from all forms of violence, should be integrated into peacebuilding policy and programs.

The Rwanda case study focuses on the genocide and in exploring the full range of gender differentiated experiences of war, this section explores the idea of women's complicity in conflict. One of the objectives of this section is to uncouple women from the myths that surround them as innocent and vulnerable, as well as "essentialist" ideas which construct them as perpetual victims or lacking agency. Peacebuilding policies predicated upon "essentialist" ideas about women will undermine the peace process in a number of ways as it has in the case of Rwanda where it provided "protection" for women who participated in the genocide; and facilitated their continued

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involvement in attempts to perpetuate conflict and in many instances permitted them to commit human rights violations with impunity. Failing to understand that women are often willing participants in violence will continue to impair the international response to situations of armed conflict and peacebuilding policies in other countries.

In the Rwanda case study, the subjects of gender-based violence and international humanitarian law (IHL) will be explored. This will include an examination of how gender-based violence and women are constructed and dealt with in international humanitarian law and the subsequent gendered outcomes. In other words, the way that women and crimes against them are constructed in IHL impacts the ability of international tribunals like the International Criminal Tribunal for Rwanda (ICTR) to be a fair and effective method of justice for women.

In the Guatemalan case study, the issue of women's mobilization during times of armed conflict will be explored. This case study will focus on two groups in particular; specifically, the widows of the 'disappeared' and refugee women. The case of Guatemala demonstrates that although times of refuge and armed conflict present enormous challenges for women, in some instances they may also provide the context for women's empowerment and mobilization. For example, in the case of Guatemala some women extended their analysis of discriminatory practices and structures which shaped their war-time experiences to a wider range of forces which circumscribe their agency in peacetime, including for example patriarchal relations in the family and society. Times of refuge can also present opportunities for the international community to ensure that women have access to and can participate in peacebuilding processes.

In spite of the mobilization of women in Guatemala, *ladino* and indigenous alike, the real gains in terms of legislation and public policy have been limited. There remain serious obstacles to the elimination of gender-based discrimination and the full integration of women into all realms of society in the post-conflict era. In the remainder of the Guatemalan case study, possible explanations for the failure to translate increased women's political, economic and social participation during times of conflict into a situation of post-conflict gender equality will be explored. These suggested explanations include resistance from other sectors of civil society, and the impact of restricted access to education and capital. This section will also explore, however, the women's movement itself as a barrier to achieving gender equality.

Conclusion

In all of these countries, Guatemalan, Rwandan and Cambodian feminists made the link which was alluded to earlier in the introduction; namely that the distinction that peacebuilding makes between the political and socio-economic context of conflict, and the military or humanitarian aspects of conflict is problematic and artificial. In their analysis of militarization, these women among others, make clear linkages between the effects of militarization on society, including violence against

women, and how it impedes the ability to rebuild after a conflict.

An additional point which emerges from the case studies is the need to develop and maintain a critical and gender-sensitive awareness about assumptions and their role in the process of policy-development in peacebuilding. Some of the assumptions which previously informed foreign policy include the ideas that foreign policy is a gender-neutral subject with no differential impact on women or men, that men were the legitimate actors in these activities and that formal peace negotiations were the exclusive domain of men and the only site of peacebuilding. Although these assumptions have steadily been eroded over the past couple decades, the challenge remains for policymakers to continually critique the policy making process.

An additional assumption that the report attempts to challenge is the idea that demilitarization and democratization are processes which *necessarily* operate in the interests of all people and all women.

Cynthia Enloe writes:

> Demilitarization loosens the bond between men and the state;
> thus, it should make the state more transparent and porous.
> Democratization simultaneously opens up the public spaces;
> thus, it should permit more voices to be heard and policy agendas
> to be reimagined. *But such changes will take place only if the two
> processes are not designed in such a way to reprivilege masculinity.*[10]

The claims that these twin processes necessarily entail access and gains for women and eliminate gender-based discrimination resonate particularly in the cases of Guatemala and Cambodia. For these reasons, policy development in peacebuilding needs to constantly subject itself to scrutiny. Peacebuilding is a dynamic process. 'Lessons learned' should never occupy a privileged status in policy, because as this report shows, their universal application often times is counterproductive and risks engendering further deprivation, unequal social, including gender, relations and conflict.

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[10] Ibid., pp. 23 Emphasis added.

FEMINIST APPROACHES TO INTERNATIONAL RELATIONS

Introduction

International relations has traditionally been understood as a 'male-stream' occupation.[11] In other words, international politics has largely been conducted by men; and their activities as war-makers and peace-makers have been the main subject of inquiry. On occasion women like Jeanne Kirkpatrick and Margaret Thatcher have risen to positions of leadership, and this has if often cited as indicative of women's ability to penetrate the sphere of international politics. Yet a more sophisticated reading of women in positions of leadership, indicates that the gendered dimensions which underpin international politics remained unaffected by their presence.[12] It has also been argued that women who are successful in international politics are those who do not challenge the regime.[13] An additional insight, and perhaps one of the most significant insights of feminist critiques of international relations is the claim that although gender relations may not be immediately apparent in world politics, this invisibility is not a *natural* development. In fact, they argue, it takes deliberate, exclusionary practices to make women and gender relations invisible.[14] In the remainder of this section of the report, these and other claims will be explored with a view to demystfying feminist approaches to international relations.

Feminist Epistemologies

There are a number of reasons for including a discussion of feminist epistemologies and feminist critiques of international relations in a report on gender and peacebuilding. This discussion provides the context in which the case studies are analyzed; introduces basic concepts and the tool of gender-

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[11] There is a large body of feminist critiques of international relations theory written from a number of perspectives. See Cynthia Enloe, **Bananas, Beaches, and Bases: Making Feminist Sense of International Politics.** London: Pandora Press, 1989; Cynthia Enloe, **The Morning After: Sexual Politics at the End of the Cold War.** Berkeley and Los Angeles: University of California Press, 1993; Rebecca Grant and Kathleen Newland, **Gender and International Relations**, Bloomington and Indianapolis: Indiana University Press, 1991; V. Spike Peterson and Anne Sisson Runyan, **Global Gender Issues**, Boulder, San Francisco, and Oxford: Westview Press, 1993; V. Spike Peterson, Ed., **Gendered States: Feminist (Re)Visions of International Relations Theory**, Boulder and London: Lynne Rienner Publishers, 1992; Betty Reardon, **Sexism and the War System**, New York and London: Teachers College Press, Columbia University, 1985; Judith Stiehm, **Women and Men's Wars**. Pergamom Press, 1983; Christine Sylvester, **Feminist Theory and International Relations in a Postmodern Era**. Cambridge: Cambridge University Press, 1994; J. Ann Tickner, **Gender in International Relations: Feminist Perspectives on Achieving Global Security** New York: Columbia University Press, 1992.

[12] The term "feminist" is used, in this context, to refer to the radical feminist claims that relationships of domination and subordination are embedded within social structures.

[13] Sylvester, op.cit., pp. 315

[14] See for example, Enloe, (1989), op. cit.

based analysis, and attempts to reveal the diversity of feminist theory. In fact, it is inaccurate to speak of feminist theory in the singular form. Feminist theory is instead a rich and diverse body of work with a number of differing approaches, assumptions and goals. In this regard, feminist theory is also a site of contestation, where various feminist perspectives have competing claims and objectives.

The following section however is merely an introduction to feminist theory.[15] The goal of this section is to shed some light on how feminist critiques of international relations, armed conflict and peacebuilding are formed and where some of the analysis that is employed in the case studies is derived from. An additional purpose is to highlight some of the contributions that feminist theory makes to international relations and peacebuilding as a whole. The following discussion is contextualized within the engagement between four feminist epistemologies which are: feminist empiricism, standpoint feminism, postmodern feminism and critical feminism. Located within these epistemologies are *political feminisms* which will also be discussed as they pertain to the subject of feminism and international relations.

Feminist Empiricism: Making Women Visible

Feminist empiricism is concerned with the general exclusion of women from international politics as theorists, practitioners and subjects of inquiry. In other words, feminist empiricists are concerned with explaining why women have been unable to become full and equal participants in international relations. In attempting to explain women's lack of participation in this realm, feminist empiricists shed some light on barriers which prevent women from accessing and participating in this realm of activity. They argue that the exclusion of women from international politics as subjects is related to the predominance of men in the field and their personal bias-which they often unknowingly possess and exert.

This claim is related in part to feminist empiricism's acceptance of the empirical method which holds that there is an objective world which can be known through reason, logic and observation.[16]

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[15] This section is a brief and hopefully concise introduction to feminist epistemologies. There are a number of in depth and complex discussions of feminist epistemologies and their varying insights for, and understandings of, international relations. A good introduction to feminist theory is Rosemarie Tong, **Feminist Thought: A Comprehensive Introduction**, Boulder and San Francisco: Westview Press, 1989. For more discussions on feminist epistemologies and international relations, see Sandra Whitworth, Chapter 1, "Feminist Theories and International Relations", in her **Feminism and International Relations: Towards a Political Economy of Gender in Interstate and Non-Governmental Institutions**, Houndsmills, Basingstoke, Hampshire and London: MacMillan Press, 1994; Marysia Zalewski, "Feminist Theory and International Relations", in Mike Bowker and Robin Brown, (Eds.), **From Cold War to Collapse: Theory and World Politics in the 1980s**, Cambridge University Press, 1993; Jill Steans, Chapter 7, "Reconstructions and Resistances", in **Gender and International Relations: An Introduction** , New Brunswick, New Jersey: Rutgers University Press, 1998, pp. 158-183.

[16] Zalewski, op. cit., pp. 120

Feminist empiricists argue however, that due to androcentrism and men's domination of the field, women have been denied access. The male bias has also limited the field of study as well by determining the subjects that merit exploration.

Therefore, according to a feminist empiricist, the method is fine but has just failed according to its own standard. Therefore feminist empiricists argue that the approach just needs to be 'corrected' by eliminating the male bias. This is achieved by making women in international relations visible by retrieving and inserting their experiences and increasing women's participation in the political realm.

There are two ways to address androcentrism in international relations and the approach taken depends on how one understands the nature of women's exclusion.[17] The first approach calls for the inclusion of women in a method of direct participation, derisively known as the "add-women-and-stir" approach. These feminists argue that there are barriers that have precluded women's participation. The second argues that women were always there, but that the androcentric bias has rendered women and their activities invisible. From this perspective then, the objective is to expand the categories of inquiry and make the women who were already there visible.[18] In the case of international relations, this has meant feminist struggles have been engaged in increasing women's participation in academia, the military, and government, as well as efforts to widen the scope of inquiry to identify women's experiences of international politics, including armed conflict. Many accounts in this capacity document women's involvement in warmaking and peacemaking.[19]

Critics of this approach argue that feminist empiricism fails to account for power; or, socially imposed or constructed identities that situate categories, including women, in unequal conditions. Therefore, liberal feminists' acceptance of the empiricist methodology means that inequalities which are embedded in structures are left untouched by the presence or inclusion of women.

Standpoint Feminism

A second approach is a more radical epistemology which argues that all international relations are gendered social practices. International relations theory, according to standpoint feminism, is not objective but instead a masculine construct which directly serves male interests. It is also radical feminists who have engaged the twin topics of war and peace. Unlike liberal feminists, however, radical feminists are not particularly interested in rendering women visible in the process. They instead emphasize the differing attitudes towards war and peace which they claim exist between men and women. They argue that women are more peaceful and nurturing, as opposed to men who are

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[17] This distinction between liberal feminists is further explored in Whitworth, (1994), op. cit., pp. 12-16

[18] Whitworth, (1994), op. cit., pp. 14

[19] See Jeanne Vickers, "Achieving Visibility" in **Women and War**, London and New Jersey: Zed Books, 1993. pp. 104-117.

violent, aggressive and conflictual. Influenced by Carol Gilligan's work, standpoint feminists argue that another way in which androcentrism works is that "male" attributes of autonomy, detachment, and abstract thinking have been privileged in international relations due to its existence as a male-constructed reality.[20] On the other hand, "feminine" qualities like caring, nurturing, and power through cooperation have been excluded and devalued.

Radical feminists' conclusions about distinctive male and female perspectives are derived in one of two ways. First, there are feminists, known as biological determinists, who draw these conclusions based upon the location of these differences in biology. Critics of a biological explanation argue that locating the difference in biology makes change impossible.[21] In other words, according to this line of thinking, men will always be violent and conflictual and women will conversely be peaceful and nurturing. The second approach to understanding the 'difference' between men and women is based upon the argument of social conditioning. According to this line of thinking boys differentiate themselves from girls' feminine attributes because these attributes are derided in society. Instead they are conditioned to value and emphasize masculine attributes of aggressiveness and violence.[22] These approaches have some interesting insights for peace and conflict studies.

The idea that there are distinctive masculine and feminine perspectives and arguing that conflict and aggression reside in the masculine experience leads radical feminists to interesting conclusions about how peace can be achieved.[23] The marginalization of women from points of power in conjunction with their more peaceful attributes, leads radical feminists to conclude that women have a better understanding of how the world can be ordered in a peaceful way. According to Christine Sylvester, standpoint theory "offers women as a locus both of knowledge and of the agency necessary to correct patriarchal practices (once those knowledges are freed from distortions brought on by life under patriarchy)."[24] Therefore, radical feminists advocate for a female-constructed reality where female characteristics of attachment, relation and concretized thinking patterns compose the new reality.[25] Contrary to the liberal feminist approach of "add-women-and-stir", standpoint feminists argue that what is necessary is a fundamental restructuring of international relations and international relations theory, one where the androcentric model is replaced with a "gynocentric" one.

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[20] Carol Gilligan, **In A Different Voice: Psychological Theory and Woman's Development**, Cambridge, MA.: Harvard University Press, 1982. See J. Ann Tickner, "Hans Morgenthau's Principles of Political Realism: A Feminist Reformulation", Millennium, Vol. 17, No. 3, 1988. In this article Tickner redefines concepts of power and security from a "feminine" perspective.
[21] Steve Smith, "Unacceptable Conclusions and the "Man" Question", in Marysia Zalewski and Jane Parpart, (Eds.)**The "Man" Question in International Relations**, Boulder, Co.: Westview Press, 1998. pp. 63
[22] Whitworth, (1994) op. cit., pp. 19
[23] Zalewski, op. cit., pp. 119
[24] Sylvester, op. cit. pp. 323
[25] Tickner, op. cit.

Critics of standpoint feminism identify a number of problems. The first is the trap of "essentialism" located in standpoint feminists' identification of a universal feminist experience. "Essentialist" thinking is premised upon the idea that women are a category that are similar regardless of time, space, culture, race and any other variable. Critics question whether a distinctive "women's" experience can be isolated and described independently of all other variables, including race, class and sexuality.

The other criticism, is that in attempting to address the marginalization of women's experiences from androcentric thought, standpoint theory based upon essentialism recreates a new hierarchy. In this new hierarchy, critics charge that the category "woman" is in fact the imposition of a particular "woman" as the norm; specifically, a white, middle-class, heterosexual woman. In this critique, Third world women, lesbian and Black women are all subsumed into the experience, understanding and political objectives of Western liberal feminism.[26] The greatest irony of radical feminism is that one of its core objectives is to address the hierarchies that were created by men and to allow for marginalized voices to be included and heard. In its stead, radical feminists reconstruct a new hierarchy; one in which Western feminism occupies a privileged position and alternative claims are once again rendered silent.

Postmodern feminism

One of the most exciting and controversial developments in feminist theory is postmodern feminism. Although postmodern feminism has what Rosemary Tong calls an "uneasy relationship"[27] with feminism, particularly because of its challenge of feminism as a theory which can explain "women's oppression"; postmodern feminists have also been among the most effective critics of standpoint epistemology, and, in particular, radical feminism.

Compelled by efforts to investigate and undermine privileged positions and understandings in feminist theory, postmodern feminists deconstruct language, categories and "taken-for-granted assumptions to explore the contradictions on which they are based..."[28] This tool is known as discursive analysis. Zillah Eisenstein, writing with respect to the law, describes discourse as that which establishes regulations, thoughts, behaviour and institutes expectations of what is legitimate and illegitimate behaviour, what is acceptable and unacceptable, what is criminal and legal, what is rational and irrational, what is natural and unnatural.[29]

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[26] Chandra Mohanty, "Under Western eyes: feminist scholarship and colonial discourses", **Feminist Review**, No. 30, Autumn, 1988.

[27] Tong, op. cit., pp. 217

[28] Andrea Cornwall, "Men, masculinity and 'gender in development'", **Gender and Development**, Vol. 5, No. 2, June 1997. pp. 10

[29] Zillah Eisenstein, **The Female Body and the Law**, Berkeley, Los Angeles and London: University of California Press, 1988, pp. 43

Postmodern feminists have been particularly engaged in deconstructing the category "woman". They contest radical feminist claims that a universal category of "woman" can be identified in isolation of all other variables, including race, ethnicity, class, and sexuality. They also call into question the ability of one group of "women" to speak on the behalf of other "women". They do so for two reasons: first they point to the huge "differences" between women due to all of the aforementioned variables; and second because Western feminists have historically constructed non-Western women as the "Other".

The emphasis that postmodern feminists place on the notion of "difference" leads to their rejection of "woman" as a category and therefore "gender" as a concept. Dependent upon their assertions that there is no world that can be apprehended, that knowledge and reality are social constructs, postmodern feminists have been criticized for what tends toward seeming political paralysis for feminists and nihilism.[30]

Critical Feminism

A final approach, critical feminism, attempts to overcome the flaws of the other epistemologies, but at the same time draws on the insights and contributions that they have made.[31]

Critical feminism accepts the ideas about socially constructed realities, but according to this understanding, socially constructed identities and relationships, are not immutable. In other words, the socially constructed category "woman" and gender relationships are not essentialized. According to critical feminism, these categories and relationships differ according to time and place. Yet, and this is a critical distinction, they are discoverable through the "examination of particular material conditions and the habits, practices, and discourses of particular international actors and institutions."[32]

Therefore, critical feminists are unlike postmodern feminists in two critical regards. First, critical feminists retain gender as an analytic category.[33] Second, unlike postmodern feminists, critical feminism accepts the notion of emancipatory strategies, and the capacity for change. Critical theory

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[30] Marysia Zalewski, "Feminist Theory and International Relations", in Mike Bowker and Robin Brown (Eds.), **From Cold War to Collapse: Theory and World Politics in the 1980s**, Cambridge University Press, 1993. p. 137

[31] This approach is developed in Whitworth, (1994), pp. 25

[32] Ibid., pp. 25

[33] Steans, op. cit., pp. 29

is not a problem solving theory but questions how the order that created specific problems came about.[34] Therefore, critical feminists are not particularly concerned with adding women in, but investigating why international relations theory "continues to sustain the mythical absence of women."[35]

Application of Feminist Epistemologies to Peacebuilding

The genesis of this report is the position that all discourse is gendered, including discourses about peace and conflict, but that this point is systematically ignored outside of feminism. As Carol Smart has noted,

> Feminism in the last two decades has expressly addressed and undermined the idea of knowledge (in form as much as content) as neutral and ungendered. There are two main elements to this body of work. The first addresses questions of universality, neutrality and objectivity and seeks to reveal that dominant forms of knowledge are always specific, gender and subjective. The second concerns the reconstruction of knowledge through values rather than a new form of truth. Hence there is a tendency to seek out feminine values to construct a different ontological basis for knowledge.[36]

Drawing from the varied epistemologies, this paper attempts to find the women in armed conflict and peacebuilding. Moreover, it attempts to broaden the understanding of the category "woman" by investigating the diversity of experience and difference. However, in accordance with critical feminism, the objective it to move beyond claims of position and visibility, to examine how and why gender is (re)constituted in traditional accounts, theories, policies and practices of armed conflict and peacebuilding.

From feminist empiricist insights on the exclusion of women, this piece identifies women in times of conflict and peacebuilding. Their identification is not limited to the objective of visibility and is very much in tune with radical feminist claims about attitudes. Unlike radical feminists however, the existence of an essential "feminine" experience is rejected. In this regard, attention is paid in this report to women who shatter the myth of the 'feminine', as peaceful, nurturing and cooperative. This is done in the Rwanda case study where women's role in the genocide is examined. Accepting the notion of social construction, the radical claims that social construction looks the same all over the world is rejected. This paper has taken a distinctively postmodern approach, in that there is a continuing attempt to identify and deconstruct the hierarchy of knowledge in the peacebuilding

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[34] Zalewski, op. cit., pp. 129

[35] Ibid., pp. 128

[36] Carol Smart, **Law, Crime and Sexuality: Essays in Feminism**. London: SAGE Publications Ltd., 1995, pp. 75

arena. This paper was very much informed by a constant questioning of whose voices are marginalized but dissatisfied with postmodern claims that infinite variability of experience precludes political change.

CAMBODIA

Introduction

The United Nations Transitional Authority in Cambodia (UNTAC) has been subjected to a high level of scrutiny. As a result, volumes have been written on the "lessons learned" of the new generation of peace operations, of which UNTAC is a part.[1] The successes of a peace operation, including those associate with UNTAC, are usually measured in aggregate forms; *inter alia*, the number of repatriated refugees, the number of collected weapons and the number of voters who participated in an election. The social consequences of UNTAC, with a few notable exceptions, have not been subjected to the same level of scrutiny.[2] Moreover, the gender impacts of UNTAC have not been incorporated into the majority of these accounts. The task of documenting and analyzing the gender specific burdens and consequences of peace operations has fallen to feminist scholars and women activists, who with a few exceptions do not claim international relations as their 'home' territory.[3] The result is that, for the most part, this documentation, including its valuable insights and lessons remain unavailable and unaccessible to policy-makers, donors and analysts concerned with UN peace operations and peacebuilding.

Despite the successes of UNTAC, analyzing it from a gender perspective reveals that it was an extremely problematic operation. There were a high number of accusations of sexual harassment and assault made against UN personnel, and the operation is also directly associated with a dramatic increase in prostitution and the spread of sexually transmitted diseases (STDs), including HIV.

These problems are not specific to the case of UNTAC, particularly with regard to increased prostitution and allegations of sexual violence, and have been addressed in a number of ways, including through punishing specific individuals and/or contributing forces; the development of mechanisms which suggest appropriate and inappropriate behaviours, including the UN "Code of

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[1] See for example, Neil M. R. Fenton,"Cambodia", in **Patterns of Peacebuilding: An Analysis of the International Demands for Peacebuilding Activities**. Peacebuilding and Human Development Division (AGP), Department of Foreign Affairs and International Trade, August 29, 1997. pp. 33-43

[2] The exception is the debate over the economic impact of UNTAC on Cambodia. The UN credits itself with contributing to the economic development, but in many regards it also contributed to severe economic dislocations, including inflation and a devaluation of the riel by as much as 70% during the mission. On the subject of economic dislocation, see Utting, Peter. Editor. **Between Hope and Insecurity: The Social Consequences of the Cambodian Peace Process**, Geneva: United Nations Research Institute for Social Development, 1994, especially chapters by E.V.K. Fitzgerald and Grant Curtis.

[3] Exceptions include the UNRISD report, op. cit., particularly the section written by Eva Arnvig; Sandra Whitworth, "Gender, Race and the Politics of Peacekeeping", **A Future for Peacekeeping?**, Edward Moxon-Browne, Editor. London: Macmillan Press, Ltd., 1998. pp. 176-191.

Conduct"; and increasing women's participation in peace operations.[4]

The recurrence and severity of these and other gender consequences of UN peace operations indicates that relying on behaviour modification and/or increasing women's participation are insufficient, and perhaps, misplaced solutions.[5] Feminist researchers on the military provide an alternate explanation for the gender impacts of UN peace operations and this body of research may have valuable insights for UN Department of Peacekeeping Operations (DPKO) as well as contributing force countries. The following inquiry will explore feminist claims about "masculinities" in the military and ask the following questions: What kinds of masculinities can be located in the military? Is there a relationship between specific "masculinities" and the kinds of behaviours and attitudes towards women that were evident among UNTAC and UN personnel? Is there a linkage between the privileging of certain "masculinities" in the military and the incidents of gender-based violence? If peace operations are staffed predominantly by the military, will they be fraught with similar problems?

The purpose of this line of inquiry is not to suggest that the UNTAC was without value for Cambodian women. In fact, Cambodian women accrued gains and rights as a direct result of the peace process and UNTAC's involvement in Cambodia.[6] Instead, the purpose is to move beyond a debate about the contradictory results which the peace process yielded and instead explore how sexed and gender ideas and assumptions about men and women informed the peace process, including the UNTAC mission, and continue to inform Cambodian society. This line of analysis may provide new insights to the DFAIT and other interested actors that may be more fruitful avenues for approaching the gender impacts of peace operations.

The first section will briefly describe UNTAC's mandate and its achievements. This will be

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[4] On the subject of behaviours see United Nations Department of Peacekeeping Operations Training Unit, "Code of Conduct" and "We are United Nations Peacekeepers". On the argument that increased participation of women in peacekeeping operations acts as a "deterrent" to sexual violence and rape, see United Nations Division for the Advancement of Women, **Women 2000: The Role of Women in United Nations Peace-keeping**, No. 1/1995, December 1995.

[5] In Mozambique, peacekeepers were linked to the sexual exploitation and trade of girls. See Carolyn Nordstrom, "Girls Behind the (Front) Lines", Lois Ann Lorentzen and Jennifer Turpin (Eds.) **The Women and War Reader**, New York and London: New York University Press, 1998. pp. 80-89; In Bosnia, several women claim they had been raped by UN soldiers as a condition for escape from Serbian run camps. See Julianne Peck, "The U.N. and the Laws of War: How Can The World's Peacekeepers Be Held Accountable?", **Syracuse Journal of Internationa Law and Commerce**, Vol. 21, 1995. pp. 283-310.

[6] In interviews, Cambodian women prefaced their criticisms of UNTAC by acknowledging that life is qualitatively better. Interview with Sandra Whitworth, August 1998. There are a number of beneficial gendered outcomes of the mission, particularly as a result of UNIFEM's funding of women's organizations. A four day national women's summit led to the creation of an indigenous women's movement and a number of indigenous women's NGOs. Also, Special Representative of the Secretary General (SRSG) Yasushi Akashi did encourage the Supreme National Council to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

followed by a discussion of some of the gender consequences associated with UNTAC, including prostitution. This section will also explore the prevailing assumption that prostitution is a "natural" outcome of peace or military operations. This is a specious, albeit extremely powerful argument. In fact, it takes a variety of intentional actions and specific forces that ensure its realization. This includes Cambodian women's inequality, food shortages which contributed to the migration of many Cambodians from rural communities to urban centres and the circumscription of women's economic opportunities so that prostitution becomes a viable economic option. The increase in prostitution and the other gendered consequences is also linked to the previously introduced notion of "militarized masculinity". In other words, these consequences and phenomena are a result of and dependent upon policies which shape men's and women's roles, behaviours and expectations, particularly those in military forces and peace operations.

This section will conclude with a discussion of the long term impacts of UNTAC on Cambodian society, including on gender relations and the ability of women to contribute in rebuilding Cambodia and participate as equal partners and decision-makers in, and beneficiaries of, the sustainable development of their societies.

UNTAC and its Mandate

Pursuant to the April 1991 ceasefire, the Cambodian factions, the UN and a number of other mediating nations signed the Paris Peace Accords in October 1991. In recognition of the decades of social, political and economic disruption in Cambodia it was widely acknowledged that the UN would be required to take a very directive role in the organization and administration of the Cambodian state. The Cambodia that UNTAC ventured into was a society deeply convulsed by its recent history. Demographic indicators revealed a society utterly skewed by, among other things, twenty years of civil war and an autogenocide, with tremendous social cleavages running along ethnic, class and urban/rural lines.[7]

Between 1992 and 1993, UNAMIC, UNTAC, and UN specialized agencies' personnel entered Cambodia. At the time, UNTAC was one of the UN's largest missions and at its peak comprised approximately 23,000 personnel, including 15,900 military, 3,600 civilian police, 2,000 civilians and 450 United Nations Volunteers. UNTAC's mandate included fostering the development of an environment in which human rights would be ensured during the transitional period. It was also charged with the organization of an election, repatriating approximately 370,000 refugees over a period of 13 months, and overseeing the demilitarization of factional forces.[8]

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[7] Utting, op. Cit.

[8] For more information on UNTAC's mandate and the forces which impeded its ability to operate, see Utting, "Introduction: Linking Peace and Rehabilitation in Cambodia", op. Cit.

In a number of regards, UNTAC was a successful operation. It completed its mission with a democratically elected government in place, unified the Cambodian armed forces, repatriated 370,000 refugees, and removed Cambodia as an international 'hot spot'.[9] On the other hand, due to the Khmer Rouge withdrawal from the demobilization and cantonment process, the mission failed in its primary military objective of disarmament. At the same time, during UNTAC's deployment a number of social dislocations and consequences began to emerge. There were reports of an increase in lawlessness, violence and fatalities due to the reckless driving of UN personnel. There were also a number of gender-specific consequences that emerged.

Gender Specific Consequences

Not long after their arrival, UNTAC personnel were linked to an increase in prostitution, particularly in major cities like Phnom Penh and Sihanoukville. According to one women's organization, the Cambodian Women's Development Association, the number of prostitutes rose from 6,000 in 1992 to a high of 25,000 during the mission.[10] Although prostitution existed in Cambodia prior to UNTAC, the number of women engaged in prostitution increased exponentially after its arrival. Subsequent to UNTAC's arrival there was a proliferation of sex houses and Thai style massage parlours, and an increase in the number of small hotels and restaurants, "a number too large to justify simply on the grounds of the increased need for eating, drinking and sleeping..."[11]

The second distinguishing feature of prostitution in Cambodia during UNTAC was the extent to which it became a visible activity. Sandra Whitworth notes that prostitution in pre-UNTAC Cambodia was usually an invisible activity but subsequently became a very open activity.[12] Soliciting could easily be made at any number of establishments, and there are some reports of women camping out in front of UNTAC facilities.

It has also been alleged by some Cambodian NGOs that UNTAC contributed to the rise in child prostitution.[13] Reports indicate some families sold their children to individual UNTAC personnel or to brothel owners. With increasing awareness of the high infection rate of STDs and HIV among Cambodian prostitutes, the demand for younger children intensified, with a premium fee being levied for the first sexual encounter. A virgin girl could sell for $ 400-700, but her 'value' sharply decreased within a week when the cost became $5 to $15 per visit.[14] Despite the "safety" feature that

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[9] Other successes were in the area of reconstruction of basic infrastructure and in mine clearance training. For a good, brief summary of the mission and its historical context see, UNIDIR, **Managing Arms in Peace Processes: Cambodia**, New York and Geneva: United Nations, 1996.

[10] Whitworth, (1998) op. cit., pp. 178

[11] Arnvig in Utting op. Cit.

[12] Whitworth, (1998) op cit., pp. 178

[13] Whitworth, (1998) op. cit. pp. 179

[14] Arnvig, op. Cit.

a child prostitute offered the client, child prostitutes faced an extremely high risk of contracting HIV. In part due to the likelihood of incurring bodily trauma as a result of intercourse due to their size, but also because children would be less likely to demand the use of condoms or be in a position to insist.

Another impact associated with UNTAC is the phenomenon of "fake marriages". It is alleged that a number of UN peacekeepers "married" Cambodian women but the "marriage" lasted only for the duration of the posting; at which time the "wife" would be abandoned. These women were reportedly abandoned in Cambodia, elsewhere in Southeast Asia with some women abandoned as far away as Bangkok. In addition to the trauma of abandonment, these women then had to deal with the expense of returning to Cambodia and in many instances, faced the additional burdens of having no passports and facing a language barrier.[15] In many instances, these women also faced the economic challenges associated with raising any children as single parents. Finally, given the strict ideals that Khmer society has about women's virtue and its derivation from proper behaviour[16], these women faced an enormous burden of integrating into a society in which they were considered 'shameful'.[17]

One of the most severe impacts of UNTAC is its association with the spread of STDs and HIV/AIDS. In some instances, critics have alleged that UNTAC is directly responsible for the introduction of HIV into Cambodia. Although evidence fails to support this claim, since there are indications that HIV existed in Cambodia prior to 1992, the fact remains that in many minds the legacy of UNTAC is not peace, but HIV and AIDS.[18] There is however clear evidence that UNTAC personnel did contribute to the spread of the virus, and statistics indicate that the disease rapidly spread after UNTAC's arrival. In 1992 there was a 10 fold increase in the number of blood donors who tested HIV positive.[19] One year later tests showed that approximately one in every 50 blood donors was HIV positive.[20]

The emergence of these social problems in Cambodia during UNTAC is not coincidental. Prostitution, sexual harassment and violence are phenomena that surround military and peace operations regardless of geography, economic and social conditions of the host country.[21] In light

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[15] Whitworth, (1998) op. cit. pp. 179-180
[16] See Judy Ledgerwood, "Gender Symbolism and Culture Change: Viewing the Virtuous Woman in the Khmer Story 'Mea Yoeng'", in May M. Ebihara, Carol A. Mortland, Judy Ledgerwood, (Eds.), **Cambodian Culture since 1975: Homeland and Exile**. Ithaca and London: Cornell University Press, 1994. pp. 119-128
[17] Whitworth, (1998) op. cit. pp. 179-180
[18] Included among those who make this argument is Hun Sen who quips that the only thing the United Nations did for Cambodia was spread the virus that causes AIDS. Keith B. Richburg, "Spreading HIV Threatens Cambodia, Government Hard Pressed to Respond", Washington Post Foreign Service. Reprinted. Camnews, 12 August 1998.
[19] Utting, op. cit.
[20] Utting, op. cit.
[21] For example, in the case of Mozambique. See Nordstrom op. Cit.

of the perniciousness and recurrence of the problems the international community should consider approaching the problem from a different perspective. Some of the questions that need to be considered include: How do we explain the nature of the problem and why it occurs? Why have previous solutions failed? What can the international community do to address it? The report will now turn to explore some feminist insights to suggest answers to these questions.

Militarism, Masculinities and Feminism: Three Interpretations

There are three ways of interpreting the gendered consequences of military and peace operations.[22] The first argues that current approaches to peace operations and the ways in which they are organized are not gender-biased. The problem, according to this approach, is that peace operations are mainly developed and staffed by men and it is men who reflect their gender bias in their activities. This interpretation, based on feminist empiricism, suggests that the gendered consequences can be easily corrected in a number of ways, but particularly by increasing women's participation in peace operations at all levels. They also recommend prohibitive and punitive measures, increased awareness and training. Initiatives like the UN Peacekeepers' "Code of Conduct" and employment equity initiatives would be remedies that fall within this approach.

Critics argue that feminist empiricism fails to understand that gender bias is not just located in the men who are engaged in peace operations, but that it is also embedded in social structures. They therefore argue that increasing women's participation will be unsuccessful.

The purpose of referring to this critique is not to suggest that measures like increasing women's participation or training initiatives are without value. Training serves a useful role in raising awareness and educating personnel about comportment, human rights, including women's human rights, and in some instances these initiatives endeavour to enhance awareness of gender issues and provide participants with tools to employ a gender-based analysis.[23] Rather, the problem with the feminist empiricist approach, which its critics rightly point out, is that structural inequality and bias are left untouched.

These critics, known as radical feminists, go one step further. Beyond claiming that peace operations are gendered social practices, they also argue that they are masculine constructs that directly serve "masculine" interests. According to radical feminists, they are basic differences between men and women, although there are disagreements about whether these differences are rooted in biology or are a result of social conditioning. Based on this assumption, they conclude that the highly sexualized and aggressive behaviour displayed in Cambodia is specific to men and

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[22] This section will draw upon the insights and arguments elaborated in the chapter "Feminist Approaches to International Relations".

[23] For example, the Joint Canada-UK Gender Sensitization Training Initiative for Civilian and Military Participants of Peace Operations.

is *unchangeable*.[24] In this literature, all men are aggressive, over-sexed; and women are conversely, either by virtue of their biology or their exclusion from centres of power, peaceful and loving.[25] Therefore, according to radical feminists any efforts to modify peace operations as they exist is futile.

A third approach which is rooted in critical theory accepts the ideas about socially constructed identities, but rejects the "essentialist" claim that "masculinity" takes the same form regardless of location or time.[26] Therefore, according to critical feminism, socially constructed identities, including gender roles, are not immutable, nor do they find their source in inherent characteristics specific to either sex. In other words, critical feminists argue that there are a variety of "masculinities" and that the gendered consequences of peace operations like increased prostitution and aggressive behaviours are understood as only one expression of 'masculinity'.[27] Moreover, and this is key, the behaviours which result in sexual harassment and assault are either ignored or are often times rewarded and considered as an ideal of *militarized masculinity*. In other words, certain masculinities occupy a privileged position and are applauded within the military. Understanding that these identities are socially constructed and that there is a premium placed upon the existence of them within the military, theoretically and practically speaking, provides a 'space' to conceptualize and affect change.

Masculinities in the Military

Critical feminism allows for an examination of the mechanisms that are employed to construct and sustain the military as a masculine domain. A number of feminist scholars have examined various aspects of the military and how it employs policies and rhetoric to achieve this goal.[28] They argue that one method of retaining the military as a masculine domain is through the deliberate exclusion of people who are "perceived" as threatening to the masculine nature of the military. There have been, and are, primarily two segments of society who are seen as threatening to the military's "inherent" masculinity: women and homosexuals. The presence of homosexuals in the military was perceived, and perhaps continues to be so, as "impair[ing] unit morale and cohesion as well as infringing upon the right of privacy of those service members who have more traditional sexual

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[24] For a larger discussion of essentialism, please refer to chapter in report, "Feminist Approaches to International Relations".

[25] For a discussion of this literature, see Lynn Segal, "Beauty and the Beast III: Men, Women and War", in **Is the Future Female?: Troubled Thoughts on Contemporary Feminism**, Virago, 1987. Pp. 162-203

[26] This approach is developed in Whitworth, (1994) op. Cit. pp. 25

[27] There is a large body of research on masculinities and international relations. See Andrea Cornwall, "Men, masculinity and 'gender in development'", **Gender and Development**, Vol. 5, No. 2, June 1997. p. 8-13; Judith Large, "Disintegration conflicts and the restructuring of masculinity", **Gender and Development**, Vol. 5, No. 2, June 1997, pp. 23-30; Report of Expert Group Meeting on Male Roles and Masculinities in the Perspective of A Culture of Peace", Oslo, 24-28 September 1997. Located at http://www.unesco.org/cpp/uk/projects/oslotoc.htm.

[28] See for example Enloe (1983), op.cit.

preferences."[29] Women, on the other hand, are perceived as threats to the masculinity of the military by challenging prevailing and integral assumptions that men are the protectors of women, that men are stronger than women and that women are inherently peaceful.

Another method of maintaining the military as a masculine domain is through linguistic exclusion and the use of rhetoric. In other words, the creation of the military as a masculine construct is in part achieved through the denigration of "feminine" qualities. 'Masculine' qualities including physical strength, power as domination, and the offensive use of force are valued; while "feminine" qualities of empathy, patience, and negotiation are maligned as signs of weakness and unworthiness. As the 'masculine' becomes a privileged and idealized experience, the 'feminine' is concurrently referred to in a derisive fashion. The sense that 'masculine' attributes are valued in the military are exemplified in messages like the military will 'make a man of you'. At the same time, recruits who are perceived as weak or inadequate are derided as 'girls', 'women', or 'queers'. These messages are primarily imparted through training as feminist research indicates that training not only provide recruits with soldiering skills, but is also an opportunity to shape the individual. One scholar refers to training as a "process of masculinization"[30]. In this regard, training is a process which not only distinguishes between behaviours which are feminine and masculine, but is complemented by the construction of feminine qualities as negative and threatening to the military's ability to function effectively and efficiently.

An important component in the construction and maintenance of militarized masculinity is the availability of women for sexual purposes. This is based in part upon a fear that without the provision of women who are sexually available, homosexuality will become a prevalent activity in the military and erode morale and efficiency.[31] Therefore, the provision of prostitutes is an effective tool in constructing and ensuring male soldiers' masculinity, heterosexuality and continued military service. In fact, militaries have a long history with prostitution and some scholars have paid particular attention to the efforts that militaries and states go to in order to ensure the availability of prostitutes.[32]

This argument directly challenges the prevailing assumption that prostitution naturally follows military bases, or in this case peace operations. Instead, as Cynthia Enloe points out, it takes, "calculated policies to sustain that fit: policies to shape men's sexuality, to ensure battle readiness, to determine the location of business, to structure women's economic opportunities, to affect wives,

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[29] A US Army Judge Advocate General quote in Enloe (1983) op. Cit. pp. 144; See Reardon , pp. 26-31

[30] D'Amico, op. Cit. Pp. 123

[31] See for example, Enloe (1983) op. cit, pp. 22, 58

[32] See "The Militarisation of Prostitution" in Enloe, (1983) op. Cit. In this chapter, Enloe describes how a number of militaries, including the US in the Philippines, had attempted to regulate the provision of women's bodies for the use of soldiers.

entertainment and public health."[33] In the case of Cambodia, one factor which expedited prostitution was the availability of a large number of women and children who were economically insecure. The refugee repatriation process failed to account for the migration from intended areas of resettlement in rural regions to the urban areas.[34] Part of the difficulty was that towards the end of the repatriation process there was a shortage of land that had been cleared of mines and was available for settlement. In lieu of resettlement packages that included land and farming tools, these refugees were instead given cash packages. This created a significant number of refugees with no land, farms or homes to return to and they subsequently migrated to urban centres.[35] As a result, there was a large landless, unskilled, and uneducated population, comprised primarily of women, who migrated to urban centres. This demographic shift was unprecedented in Cambodian history. Adding a large group of "oversexed, overpaid and over here" peace operations personnel to this set of social conditions was a powerful mix.

As Enloe indicates, however, more variables are necessary for the militarization of prostitution than the availability of women who are economically insecure. Men's sexuality needs to be shaped and managed. One of the ways this is done is through a series of policies and statements on issues including personnel comportment and health. In the case of UNTAC, locating a written policy on prostitution or sexual relations is difficult, if not impossible. However, its absence in a written form does not imply its non-existence. Sexual policy in UN peace operations can be constructed by collecting various statements regarding expected and condoned behaviours. The case of UNTAC is indicative of the existence of an implicit UN sexual policy; one which looks favourably upon the availability of women to sexually serve peace operations personnel.[36] In these statements and non-written forms including verbal cues and messages, UNTAC leadership imparted a sexual policy which seems to indicate the approval of the use of prostitutes. At the very least UN personnel were not discouraged from fraternization, and in some instances were advised on how to disguise their fraternization. The remainder of this section will join together statements and instructions from UN leadership in order to identify this sexual policy.

De Facto Endorsement of Prostitution

One of the main messages that emerges from UNTAC statements is the idea that the fraternization of UNTAC personnel with prostitutes was endorsed by UN authorities. On numerous occasions sectors of the Cambodian population brought the issue to UNTAC's attention with the hopes that the leadership would respond in an adequate and prompt manner. Instead, UNTAC leadership

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[33] Enloe, (1989) op. Cit. pp. 81

[34] See Utting op. Cit

[35] For a good discussion of the problems with refugee repatriation in Cambodia, see chapter by Geiger in Utting (Ed.) Op. Cit.

[36] Many feminist scholars in this area argue that the masculinity of the military is dependent upon ensuring the availability of prostitutes. See for example, Enloe (1983) especially, chapter 2.

responded in a fashion indicative of tacit endorsement.

On one occasion, a group of Cambodian and expatriate women and men delivered an open letter to the Special Representative of the Secretary-General (SRSG) Yasushi Akashi. In the letter they accused some UNTAC personnel of sexual harassment and assault, violence against women and against prostitutes, and for being responsible for the dramatic rise of prostitution and HIV/AIDS in Cambodia.[37] They also made a number of recommendations including gender and cultural awareness training for UNTAC personnel, and the establishment of a Code of Conduct.

At a UNTAC organized meeting intended to thank NGOs for their work and to urge cooperation with the United Nations and its agencies, a member of the audience asked that Akashi discipline soldiers, particularly in the provinces, for their drunken and illicit behaviour. Akashi responded by stating that he was not a "puritan" and that "18-year-old, hot-blooded soldiers" who have been enduring hardships had a right to have a few beers, enjoy themselves and chase after "young beautiful beings of the opposite sex.[38] In response to the community's outrage at this statement, Akashi appointed a "community liaison officer" to hear community based complaints. It should be noted that this position was appointed approximately 6 months before the mission ended and probably had little impact.

Akashi's comments are instructive in a number of regards and perhaps suggestive of entry points for peacebuilding policy. Akashi's comments reflect the absence of an awareness of gender-based violence and the human rights of women in host countries. Moreover, it indicates a prevalent belief that the use of prostitutes by peace operations personnel is acceptable and that these views are held at the senior leadership level in the UN. In other words, this is not solely a problem at the level of the field officer. Views that "hot blooded soldiers" are entitled to sexually harass and abuse women, including prostitutes, are imparted from all levels. Peacebuilding policies which attempt to integrate a gender perspective need to consider that persons in positions of authority do not necessarily possess progressive views on gender relations. It is frightening to note that Akashi was subsequently appointed SRSG to the Former Yugoslavia where the level of gender-based violence was egregious, particularly in the use of rape as a tool of genocide.

Second, Akashi's comments need to be seen in conjunction with other UNTAC responses to the issue of prostitution. UNTAC leadership issued a number of warnings intended to restrict the visibility of UN personnel in the company of prostitutes. At a general staff meeting in September 1992 in Phnom Penh, UNTAC peacekeepers were requested not to visit brothels while in uniform, nor to leave noticeable UN vehicles in front of known brothels.[39] This indicates very clearly that

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[37] "An Open Letter to Yasushi Akashi", **Phnom Penh Post**, 11/10/1992.
[38] "Akashi's meeting with NGOs turns sour", **Bangkok Post**, 26/9, 1992.
[39] Utting, op. Cit.

the UNTAC leadership was not interested in restricting or prohibiting the activity itself; let alone attempting to address the reasons why tens of thousands of Cambodian women became prostitutes during the operation. It would also appear to suggest that UNTAC leadership was more concerned about public relations and appearances, perhaps for the audience back home, including wives and girlfriends, than dealing with the consequences their presence had on Cambodian society.

There is further supporting evidence that UNTAC leadership did not see the proliferation in brothels and prostitutes as a problem. UNTAC moved quickly to respond to the sharp increase in the case of STDs in the Phnom Penh area that immediately followed UNTAC's arrival.[40] Since condoms were difficult to find, expensive and were not used by prostitutes with any regularity, the UN had an additional 800,000 condoms shipped to Cambodia.[41]

In defending Akashi, who was unavailable for comment, Eric Falt, Akashi's spokesman subsequently suggested that "[t]here might be abuses here and there and action is taken when there is *outrageous behaviour*. It is not condoned at all. It's something we're not taking lightly."[42] By restricting action to situations of 'outrageous behaviour', UNTAC in an implicit way, legitimized militarized prostitution. From a gender perspective, it would be interesting to query whose definition of 'outrageous behaviour' the UN has adopted. Some, particularly Cambodian women themselves, may suggest that the exponential increase in prostitution would fit that requirement.

The UNTAC leadership even disregarded its own divisions who were concerned with the social problems associated with UNTAC. In 1992 an investigation was conducted into some social problems, including sexual harassment and violence. In a September 1992 report, the Educational and Information Division of UNTAC found:

> UNTAC personnel are not showing proper respect for Cambodian
> women. *Perhaps because many UNTAC personnel only have contact*
> *with Khmer (and Vietnamese) women through prostitution, there is a*
> *tendency on the part of some personnel to treat all women as though*
> *they were prostitutes.* This includes grabbing at women on the street,
> making inappropriate gestures and remarks and physically following or
> chasing women travelling in public. UNTAC personnel should be briefed
> on the fact that gender conceptions in Khmer culture are different from
> their own. Physical contact between the sexes in public is NEVER
> acceptable. If a woman laughs when she is touched, this laughter is
> probably a sign of embarrassment or fear and not encouragement. The

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[40] Arnvig, op. Cit.
[41] Whitworth, (1998) op. Cit. pp. 179
[42] "Akashi's meeting with NGOs turns sour", **Bangkok Post**, 26/9, 1992. Emphasis added.

problem is not exclusively one between Khmer women and male UNTAC staff, but is a generalized problem. *Female UNTAC staff have similarly expressed problems with sexual harassment. The problem is not a small problem.*"[43]

This paragraph of the report is instructive in a number of regards. First, it demonstrates that the problem of sexual harassment is not restricted to relations between UN personnel and host country women, but is pervasive among personnel. This finding should indicate that increasing women's participation in UN peace operations as a solution to the problems of sexual harassment and assault is misplaced and creates a false sense of safety.

Second, it indicates that future operations should include cultural sensitivity and awareness training that would inform UN personnel about culturally specific forms of gender relations.

Third, it is striking that the report suggests that the contact of UNTAC personnel with Cambodian women may be restricted to prostitutes and this would lead to conclusions about all Cambodian women. This is consistent with other reports which indicate that UNTAC personnel were extremely sexually rough with Cambodian prostitutes[44]; and one hospital reports that the majority of the injured people they treated were children who had been sexually abused by UN soldiers.[45] Finally, there were a large number of reports of rape and sexual violence brought to women NGOs,

> but often many days or weeks after the rapes were alleged to have taken place, such that the usual expectations surrounding evidence collection could not be carried out and therefore claims *could not be substantiated to the satisfaction of UN officials*.[46]

Considering the failure of the UNTAC and UN leadership to convey messages that a significant increase in the number of Cambodian women and children working as prostitutes was problematic, nor that the charges of sexual harassment and violence were of concern, one can begin to see that the UNTAC personnel were given numerous indications that these behaviours were accepted.

HIV/AIDS and Prostitution: Something to be Managed?

The spread of HIV in Cambodia is another gender specific consequence associated with UNTAC's presence and was facilitated through sexual relations between UNTAC personnel and prostitutes. From an early stage, the UN had a number of options to protect not only its staff but Cambodian women and reduce the spread of HIV. Utting suggests that UNTAC could have been more effective

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[43] Utting, op. cit., Emphasis mine,
[44] Interview with Sandra Whitworth, August 1998.
[45] Raoul Jennar quoted in Whitworth (1998), op. cit. pp. 179
[46] Ibid., pp. 179

in the use of education programmes to raise awareness about HIV/AIDS, the early distribution of condoms, the repatriation of troops who were known to be HIV positive, timely investigation of UN personnel infractions, and effective disciplinary action and compensatory measures.[47] Arnvig goes further and suggests that "[i]n order to control prostitution, the soldiers should have been given well-defined rules for socializing,...Acceptable recreation areas - not just the streets and bars - should have been designated...."[48]

Arnvig and Utting seem to express the sense that the relationship between peace operations and an increase in prostitution is not surprising, if not normal. The focus of the efforts they suggest is to take 'it' off the streets, manage it and prevent the spread of STDs and HIV through education programs and the provision of condoms. The difficulty with this approach is that it fails to address the underlying causes of prostitution; ones that cannot be adequately addressed through the provision of "acceptable recreation areas". The tacit, albeit resigned acceptance of 'militarized prostitution' in the international community is a process which invariably leads to its normalization.[49] Addressing the issues of prostitution and STDs through the provision of services and facilities which make it safer and easier for peace operations personnel to frequent prostitutes, leaves all of the policies and forces which are exercised to ensure that there are women available to sexually service personnel invisible and unaddressed. The fact remains that these women will either continue to engage in prostitution, and probably have to migrate to areas where there is a steady and large demand for them, or face the enormous difficulties associated with remaining in Cambodia where there are few economic opportunities and strict norms about women's behaviour. Clearly this emerges as a significant gap in the approach to peace operations.

The Long Term Impacts: Implications for Peacebuilding

The previous section articulated the gender specific consequences of the UNTAC mission and attempted to indicate that they are related to the privileged position that a certain type of masculinity occupies in the military. Moreover, the previous section argued that these masculinities manifest themselves in aggressive and highly sexualized attitudes and behaviours. Finally, in order to ensure that these masculinities are perpetuated the military also works to ensure the availability of women who sexually serve soldiers and peacekeepers. Apart from the fact that this process yields some of the problems like an increase in prostitution, sexual violence and phenomena like 'fake marriages', these interactions between peacekeepers/soldiers and local women, have a number of long term

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[47] Arnvig in Utting, op. Cit.

[48] Arnvig in Utting, op. cit.

[49] Indicative of the pervasiveness of the view that the relationship between prostitution and militaries is normal and unavoidable, is Yves Marchandy, mission chief of a hospital run by Doctors Without Borders, "It's a fact that the money that came with UNTAC became a big opportunity for this type of disease [HIV]...For 4,000 years, behind each army is a brothel. It will never change. It's normal." Quoted in "Spreading HIV Threatens Cambodia: Government Hard Pressed to Respond", **Washington Post Foreign Service**, 9 August 1998. Camnews. 12 August 1998.

impacts which extend far beyond the end of the peace operation itself.

First, the UN's failure to recognize and address gender specific consequences ultimately speaks to the credibility of peace operations. The UNRISD report notes that the behaviours of some personnel, as well as policy choices and statements made by senior officials undermines the credibility of the UN and its ability to fulfill its mandate.

> These [social problems and tensions with the host population]...have important implications not only for the Cambodian people but for the feasibility and success of the peace-keeping operation itself. Unlike an invading army, the United Nations is restricted in its capacity to establish credibility on the basis of force. It must rely to a large extent on its image, its capacity to negotiate peace, promote national reconciliation, organize free and fair elections, and its ability to minimize the suffering of people in the host country. *The behaviour and abuses of certain of its personnel, and the relative lack of corrective actions by the UNTAC authorities, have undermined the credibility of UNTAC and made the task of the United Nations in Cambodia all the more difficult.*[50]

The issue of credibility is an important one and will eventually impede the UN's ability to engage in peace operations. Credibility is currently being analysed according to indicators like the ability to hold free and fair elections, economic growth and number of repatriated refugees. A feminist analysis of UNTAC clearly indicates that the UN's credibility should also be analyzed according to social indicators, behaviours and the resulting negative consequences on either a part or the whole of a society. If UN personnel are directly associated with harming women, failing to protect communities from STDs including HIV and AIDS, and resisting efforts to address complaints, then whose definition of peace is the UN using?

The second long term impact of UNTAC is its role in contributing to the current AIDS epidemic. Despite numerous warnings about the risks to UNTAC personnel and Cambodian society, UNTAC and UN leadership responded in an irresponsible, if not egregious, fashion. The UN leadership knew as early as 1991, that unless the UN took swift action Cambodia could face a potentially explosive health issue. Moreover, as early as 1991 it was recommended that UNTAC implement a number of educational programs for UNTAC staff and military personnel including cultural sensitivity training and AIDS education. According to Arnvig, this was "not considered a priority".[51]

By 1993, there was evidence of the spread of the virus and UNTAC's partial responsibility for its

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[50] Utting, op. Cit.
[51] Arnvig in Utting, op. Cit.

spread. UNTAC's own chief medical officer stated that the number of UNTAC personnel infected with HIV could be as high as 150, although official figures reported 47 persons were HIV positive.[52] Eva Arnvig points out that if this assessment is correct, then twice as many UN personnel will die from AIDS than from hostile actions, accidents and illnesses during the mission itself.[53] Another report indicates that 20% of soldiers in one French battalion tested positive for HIV when they had finished their posting.[54]

In 1999 Cambodia is in the midst of an AIDS epidemic and its rapid spread has been linked to the high infection rate of prostitutes. The World Health Organization estimates that up to 45% of the commercial sex workers in Cambodia are HIV positive.[55] Moreover, prostitutes in the advanced stages of AIDS continue to have sex with customers, including one prostitute who worked until the day she died so that she could pay for her hospitalization costs.[56] Some doctors have likened the potential impact of HIV and AIDS on Cambodia to that of another 'killing fields'.[57]

The third long term impact of UNTAC is the effect that the militarization of prostitution has had on Cambodian society. The increase in prostitution and the visibility of the activity, both associated with UNTAC, have contributed to the pervasive sex and sexist culture in Cambodia. Indicative of this is the ways in which women are constructed as sexed and gender objects in the media. One study conducted by the Women's Media Centre of Cambodia found that the Cambodian media consistently used degrading images of women, including a high percentage which depict them as sex objects. [58]

One description reads as follows:

> Now the effect of the sex culture on Cambodian society is ubiquitous, from the karaoke bars and massage parlors to the open-air restaurants and the Martini disco, where prostitutes--including girls as young as 10--flock around potential clients.[59]

According to the Cambodian Women's Crisis Center, 17,000 women and children are forced into

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[52] Utting, (Ed) op. Cit

[53] Utting, (Ed) op. Cit

[54] Whitworth, (1998) op. cit pp. 179

[55] "Spreading HIV Threatens Cambodia: Government Hard Pressed to Respond", **Washington Post Foreign Service**, 9 August 1998. Camnews. 12 August 1998.

[56] "Spreading HIV Threatens Cambodia: Government Hard Pressed to Respond", **Washington Post Foreign Service**, 9 August 1998. Camnews. 12 August 1998.

[57] "Cambodia's new 'killing field': AIDS epidemic is Asia's worst", **CNN interactive**, July 24, 1997 http://www.cnn.com/HEALTH/9707/24/cambodia.aids/

[58] AFP, "Cambodian Media Upholds Degradation of Women, 19 February 1998.

[59] "Spreading HIV Threatens Cambodia: Government Hard Pressed to Respond", **Washington Post Foreign Service**, 9 August 1998. Camnews. 12 August 1998.

prostitution each year. More than 35% are abducted or sold as sexual slaves. [60] Cambodia is also now a large part of the international trafficking of children. Local groups estimate that there are between 10,000 to 15,000 child sex-workers in Phnom Penh.[61] Another estimate suggests that overall there are 40,000 child prostitutes working in Cambodian brothels.[62] The Cambodian government has also confirmed that Cambodian children are sold to brothels in Thailand, one of the hot spots for sex tourism. Cambodia itself has become a new locale for 'sex tourism' and in this regard was "pioneered by UN troops".[63] The international business community and ex-pats are now filling the void, at least in part, that UNTAC created by their departure.[64]

Foreign beer companies have ingeniously tapped into this void. In a new marketing scheme Cambodian women are hired to promote the sale of a specific brand of beer. It is estimated that there are between 4,000 and 5,000 'beer girls' in Cambodia. Their presence at the time of purchase is allegedly the key to effective sales, but often this relationship extends beyond operating hours and ends in the exchange of money or gifts for sex. Although some companies have explicit non-fraternization policies, some 'beer girls', who claim they are hired for their looks, express a sense of obligation to flirt and drink with their customers. Moreover, women are encouraged through economic incentives like commissions to make extra sales.[65]

One of the companies that employs 'beer girls' is Australia's Foster's Brewing Group Ltd. which allows for after hours fraternization. On this subject, Malcolm Paul, Foster's regional director stated, "We take no responsibility for what the girls may do outside working hours." In a telling statement, Paul says further "I don't think there is a pressure on the girls to get that extra bonus, but it's a part of the job to make sure that the guys and the girls have a good time." [66]

Foreign beer companies who employ beer girls may be complicit in the spread of HIV in Cambodia. Clients may have false ideas about the safety of employing 'beer girls' as opposed to other sex workers, specifically that it is safer than going to frontline sex workers. In fact, it may be quite the opposite, since a 1997 Ministry of Health survey indicated that only 10% of beer girls said they always used condoms compared to 42% of prostitutes. Finally, few companies appear to provide

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[60] Deutsche Presse-Agentur, "Help at hand for Cambodia's battered women", 27 October 1998.
[61] Satya Sivaraman ,"CHILDREN: In Cambodia, scavenging for survival", **The Earth Times**, Vol. XI, No. 16, September 1-15, 1998
[62] "Child prostitutes make tearful plea", **Camnews**, 30 November 1998.
[63] Amvig in Utting, op. Cit.
[64] A controversial new book entitled **Off the Rails in Phnom Penh: Into the Dark Heart of Guns, Girls and Ganja** by Amit Gilboa documents that Westerners are taking advantage of the cheap sex and drugs that Cambodia offers. "Book on Cambodian 'sex-pats' paints seedy picture of Phnom Penh", Camnews, 28 October 1998.
[65] "Doctors Say Foreign Brewers Risk Promoting Spread of Aids in Cambodia", Associated Press, 19 July 1998.
[66] "Doctors Say Foreign Brewers Risk Promoting Spread of Aids in Cambodia", Associated Press, 19 July 1998.

their employees with any information on safe sex or the transmission of HIV.[67]

The debate about commercial sex work is a complex one. Some critics charge that women who engage in prostitution are motivated solely by greed and should therefore accept the burdens associated with their choices. Others argue that all prostitution is forced and indeed in Cambodia a large number of women are forced into prostitution.[68] Others argue that sex work is a legitimate economic activity into which most women enter freely. Regardless of perspective on how and why women engage in prostitution, the fact remains that in post-conflict countries like Cambodia a significant proportion of women become prostitutes because there are few economic alternatives, and international business is directly benefitting from this situation. In addition to exploiting these women, these beer companies are divesting themselves of responsibilities as employers. One area that DFAIT can make a significant impact in is in the development of a "Corporate Code of Conduct" which is gender sensitive. In the recognition that women are generally the most economically vulnerable due to their reproductive responsibilities and the barriers they face with respect to education and literacy; peacebuilding policy should engage businesses that enter nascent and rebuilding economies and prevent economic reconstruction based upon the exploitation of women.

Conclusions about Peace Operations: A Way Forward?

In many minds, UNTAC continues to be perceived as an extremely negative experience. The positive experiences are mostly associated with UNTAC's activities in basic infrastructure including the reopening of schools and rebuilding of roads. If these activities are what is considered "good" and "valuable", then perhaps we need to follow one academic's suggestion that we need to not only rethink peacekeeping but the peacekeepers themselves. Whitworth argues that if what is valued about peacekeepers are their activities that are not specific to soldiering and are instead activities in engineering and carpentry, then perhaps we need to think about carpenters and engineers as peacekeepers.[69] The prospect of demilitarizing and desoldiering peace operations is a political choice, and perhaps a difficult one to fathom given that it is a part of Canada's legacy. However, demilitarizing peace operations would address the impact and implications of militarized masculinities on host populations. For these reasons, this discussion should be part of the debate about peacebuilding.

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[67] "Doctors Say Foreign Brewers Risk Promoting Spread of Aids in Cambodia", Associated Press, 19 July 1998.

[68] Deutsche Presse-Agenture, "Help at hand for Cambodia's battered women", 27 October 1998.

[69] Sandra Whitworth, "Masculinity and Making Peace/Keeping Nation", speech delivered at University of Pittsburgh, 09 November 1998.

Conclusion: Redefining Peace

In post-conflict Cambodia, as in most post-conflict societies, decades of civil war and genocide has dramatically shifted the demographics of society. According to the 1998 UNDP Human Development Report for Cambodia, women now constitute 52% of the population and 53% of the labour force.[70] It has already been argued that women by virtue of their numbers tend to be the primary rebuilders of post-conflict societies. The case of rebuilding Cambodia is particularly grim.

- Recent estimates suggest that 50% of all Cambodian families are headed by a single female;[71]

- Approximately 42% of women over the age of 15 have never attended school.[72]

- On average, Cambodian women earn one third less than men with similar educational and experience for comparable work.[73]

- 40 per cent of the population live below the poverty line;[74]

- Cambodia suffers from severe food shortages, with one expert suggesting that 70% of the entire population lives very marginally;[75]

- Due to increasing poverty, new kinds of social phenomena are characterizing contemporary Cambodia, including families selling their children into labour and prostitution, and child abandonment;[76]

- The rural food shortages are creating new forms of social dislocation as migration to urban centres is on the increase. Unfortunately, this migration means increased exploitation. There are reports of the homeless being rounded up and forced into detention centres and held for ransom with additional reports of women being raped or forced to give sexual favours to camp soldiers in exchange for release.[77]

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[70] "Cambodia said losing momentum in war on poverty", Camnews, 19 October 1998.
[71] "Cambodia run by women...if only", The Australian, 21 October 1998.
[72] Ibid.
[73] Ibid.
[74] Ibid.
[75] "Rural food shortage prompts cry for help", Camnews, v001.n666.5, 20 July 1998.
[76] "Nine Cambodian children sold by their hungry families", Deutsche Presse Agentur, Camnews, v001. n753, 27 October 1998.
[77] "Homeless face rape and squalor in detention centers", **Phnom Penh Post,** Issue 7/17,7-20 August 1998.

- One study found that 1 in every 6 adult women suffers abuse, with half of the women reporting head injuries. The level of victim support is abysmal since few shelters exist and increasingly victims of violence and their relatives are responding with violence.[78]

These social indicators demonstrate that a gender-sensitive understanding of peace has been less than forthcoming. Those who suggest that UNTAC left Cambodia in a situation, albeit nascent or fragile, of peace are working with a definition which is long out of date. Granted Cambodian women did accrue rights as a result of the peace process, and there are some very positive developments, particularly in terms of political participation and social mobilization;[79] but, overall the prospects for Cambodians and Cambodian women specifically are extremely daunting.

Cambodia is testimony to the fact that not only do peace operations need to be rethought but so does the operational definition of peace. A feminist (re)visioning of peace and the tools that are used to implement it, including economic restructuring, the holding of elections and peace operations suggests that aggregate measures are unreflective of certain sectors in society, particularly Cambodian women. Feminist articulations of peace suggest that without reproductive self-determination, access to health facilities, economic autonomy and freedom from all forms of violence, the holding of elections and the forming of governments is virtually meaningless.

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[78] "Study shows rampant abuse in Cambodia", Associated Press, 26 August 1996.

[79] Many parties in the last election pledged that 30% of the candidates fielded would be women. However, only a handful were able to fulfill this, and none of the major three parties, and in the end only 7 of 120 newly elected parliament were women with none in Cabinet. "Women at the ballot box", **BBC News Online Network**, 27 July 1998.

GUATEMALA

Introduction

The civil war in Guatemala found its expression in extreme violence; particularly, in terms of human rights violations, and the impact of the conflict on indigenous communities. For example, in one brief period during the 36 years of armed conflict, approximately 440 villages were destroyed and 75,000 people were either killed or "disappeared".[80] In spite of the pervasive violence and the high level of state repression, the conflict also provided the context for the mobilization of Guatemalan women. Many women resisted the conflict in non-violent ways, and often in extremely personal ways including through the revival of abortion techniques for young women impregnated by rape.[81] On the other hand, many women were active participants in the conflict. For example, some women supported the guerrillas as spies and provided them with information about state forces' movements; whereas other women joined revolutionary groups and in many instances became combatants themselves.

During the conflict Guatemalan women became important political actors, created new political categories including forms of political motherhood, and through their mobilization provided the groundwork for the establishment of a large network of Guatemalan women's organizations in the post-conflict phase.[82] Although the critiques and political demands of these women found their genesis in the state sponsored violence, the mobilization around these issues was in some instances extended to identify and analyze a larger range of forces which circumscribed women's agency and created gender inequality. For example, some women articulated feminist critiques of Guatemalan social relations including the family, as well as macro-economic policies, including structural adjustment programs (SAPS) and their impact on women's economic autonomy.

In the recent post-war reconstruction phase, these women remain politically active and articulate political demands on a variety of issues including gender-based violence, access to sites of political power, and the sexual division of labour. Despite their mobilization, the real gains in legislation and public policy have been limited since the end of the conflict. Moreover, there remain serious

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[80] Other estimates suggest that 180,000 died during the wars, 40,000 disappeared, 100,000 refugees went to Mexico and 1 million were displaced.

[81] Irene Mathews, "Torture as Text", in Lois Ann Lorentzen and Jennifer Turpin. Eds. **The Women and War Reader**. New York and London: New York University Press, 1998. pp. 190

[82] For a good brief discussion of the varieties of feminist thinking on 'motherhood', see Jennifer Schirmer "The Seeking of Truth and The Gendering of Consciousness: The CoMadres of El Salvador and the CONAVIGUA widows of Guatemala", in Sarah A. Radcliffe and Sallie Westwood, (Eds.), **Viva: Women and popular protest in Latin America**, London and New York: Routledge, 1993. pp. 30-64

obstacles to the elimination of gender-based discrimination and women's full integration into all realms of society including high levels of violence against women.

The following section will examine two groups of women during the civil war; specifically, the widows of the "disappeared"[83] and refugee women in Mexico. It will also explore the barriers and constraints that have impeded their ability to translate their mobilization into concrete gains in the post-conflict era. This will include an analysis of the resistance from other sectors of society who perceive women's mobilization as threatening to traditional forms of social structures. In this section, the subject of concrete interventions by the international community will be highlighted as they pertain to refugee women.

Historical Context

On 29 December 1996, with the signing of a comprehensive peace agreement between the administration of Alvaro Arzu Irigoyen and the Guatemalan National Revolutionary Unity (URNG) guerrillas, approximately 36 years of armed conflict in Guatemala came to a formal conclusion. [84] The conflict finds its genesis in the large economic and political disparity between the élites and the majority of Guatemalans.[85] The Spanish descended élites controlled the country's political system, the military, and resources including capital and land. [86] To challenge the prevailing unequal order of political, economic and social relations in Guatemala, a leftist armed guerrilla movement mobilized against the state's armed forces.

Under a series of successive military regimes (and one civilian), the government launched a

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[83] The term "disappeared" refers to a person who was abducted and has not been seen again alive. The experiences associated with "disappearances" may include abduction, torture, secret imprisonment and murder. In most cases, the victims were then buried in unmarked graves.

[84] The signing of the peace accords was actually initiated in March 1994. The first accord was Human Rights Accord and mandated MINUGUA to oversee its implementation. MINUGUA's mandate was subsequently expanded to include monitoring and verifying the cease-fire and supervision of disarmament, demobilization and reintegration (DDR) of URNG combatants. Subsequent agreements, *inter alia*, Resettlement of Displaced Persons; Historical Clarification of Past Human Rights Violations; Indigenous Rights, Socio-economic and Agrarian Issues; and the Strengthening of Civil Authority and the Role of the Military in a Democratic Society.

[85] There are 22 Mayan indigenous groups in Guatemala which comprise approximately 60% of the country's population. The non-indigenous population, the *ladinos*, are of mixed Spanish and indigenous heritage. *Ladinos* are not a homogenous group and there are large cleavages which run along class lines. The socio-economic disparities among *ladinos* contributed to the alliances that were forged between indigenous groups and the labour and grassroots movements on issues of land redistribution and social justice during the armed conflict.

[86] It is worth pointing out that in the 1960s the military established itself as one of the most important and strongest political force in Guatemala with extensive economic and financial interests and holdings. Sean Loughna and Gema Vincente, International Labour Office, **Population Issues and the Situation of Women in Post-Conflict Guatemala**, Geneva: ILO, 1997.

counterinsurgency strategy against the "threat" posed by the leftist guerrillas and their supporters.[87] In the 1970s, the revolutionary movement became increasingly militarized and garnered support from both rural and urban areas. Although the guerrillas commanded widespread support from a number of communities, the actual number of guerrillas never exceeded 12,000. In 1982, the guerrillas including the Revolutionary Organisation of the People in Arms (ORPA), the Guatemalan Army of the Poor (EGP), the Revolutionary Armed Forces (FAR) and a section of the Communist Party (PGT), unified and formed the umbrella, Guatemalan National Revolutionary Unity (URNG). Their objectives included the establishment of a representative government, an end to human rights violations, and an improvement of the social and economic conditions of the indigenous population.

Intense conflict quickly resumed by the end of the 1970s and Guatemala entered one of the most violent stages of the war. As the guerrillas gained control of large areas of Quiché, Huehuetenango and San Marcos, and began to destroy infrastructure and raided neighbouring regions[88], the government launched its "scorched earth" tactics in the north and northwest highlands and targeted potential peasant supporters of the guerrillas. This period known as "La Violencia" ran from 1979-1985. At the most intense period of the conflict between 1981-1983, the government policy resulted in the destruction and massacre of over 440 villages, the death or "disappearance" of at least 75,000 people and the creation of 1 million internally displaced persons (IDPs).[89] In 1985, it was reported that there were 136,000 widows as a result of the war. One scholar suggests that the real number is probably higher due to the inherent danger associated with publicly revealing one's status as a widow.[90]

The conflict also created a large refugee movement and it is estimated that during the 1980s approximately 200,000 Guatemalans arrived in Mexico, of which 48,000 settled in camps in Chiapas by the Mexican Commission for Assistance to Refugees (COMAR) and United Nations High Commission for Refugees (UNHCR).[91] Following developments in the late 1980s, including the Esquipulas II process of 1986-1987 in which five Central American governments signed an agreement which provided a framework for talks and reconstruction, and the establishment of an agenda for talks in 1991, Guatemalan refugees began to prepare for their return.[92] Although refugees began returning to Guatemala in small numbers in the late 1980s and early 1990s, the first collective

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[87] Loughna and Vicente, op. cit.

[88] Loughna and Vicente, op. cit.

[89] Estimates of total numbers throughout the 36 years of civil war suggest that 180,000 died, 40,000 disappeared, and 1 million were displaced.

[90] Zur quoted in Sean Loughna and Gema Vincente, International Labour Office, **Population Issues and the Situation of Women in Post-Conflict Guatemala**, Geneva: ILO, 1997.

[91] Ibid.

[92] Refugee return has generally occurred under the provisions of the 1992 Accord and the 1994 Agreement for the Resettlement of Populations Uprooted by the Armed Conflict. The 1992 Accord, signed between the civilian government of Jorge Serrano and representatives of the refugees in Mexico, the Permanent Commissions of Guatemalan Refugees (CCPP), allowed for the safe, collective, assisted and organized return of refugees to Guatemala.

return was on 20 January 1993 when 503 families established the community of Victoria 20 de Enero in Poligono 14, Ixcán, Quiché. In subsequent years, thousands of refugees returned to Guatemala, however the repatriation process was beset by numerous problems including insufficient land being available for resettlement, and tensions between Guatemalans who had remained and the returnees, particularly over the distribution of land that the armed forces repopulated.[93]

Women's Mobilization: The case of Mama Maquin

Times of refuge can be extremely difficult and can entail serious deprivation, trauma, human rights violations and associated loss of community and identity. Women and children constitute approximately 80 per cent of the world's refugees and other displaced persons, including internally displaced persons.[94] While women share with men the threats of deprivation of property, goods and services, refugee women, by virtue of their sex and status in society are vulnerable to sexual violence, extortion, and increased pressure to meet basic needs for the family.

In spite of these difficult conditions, the Guatemalan case indicates that times of refuge can also provide the context for mobilization. Due in part to the difficult living conditions, Guatemalan refugees organized in order to obtain access to land, to secure emergency aid, find work, and negotiate their stay with the Mexican government.[95] The mobilization of refugees also occurred along gendered lines with women developing a "gendered consciousness"[96], and forming their own collectives and representative organizations. For example, in 1989 a group of women formed a representative organization called Mama Maquin. Mama Maquin's membership quickly grew in both size and location and by 1993 boasted a membership of 7000 women in 85 camps, including a presence in Chiapas, Campeche and Quintana Roo.[97] Self defined as a popular movement Mama Maquin worked with the UNHCR and other NGOs to meet the immediate and basic needs of refugee women, including the provision of literacy training. Although Mama Maquin recognized that women faced specific social and economic barriers in the camps they placed a higher priority on addressing the organization's strategic goals, which included "developing class, ethnic and gender consciousness and struggling for equal rights and opportunities between men and women." [98] In light of this more strategic analysis, Mama Maquin organized legal awareness programs campaigns with the explicit purpose of preparing women for the return of refugees to Guatemala.

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[93] Loughna and Vicente, op. cit.

[94] Beijing Platform for Action, para 136.

[95] Roman Krznaric, "Guatemalan Returnees and the Dilemma of Political Mobilization", **Journal of Refugee Studies**, Vol. 10, No. 1, 1997, pp. 69

[96] Schirmer, (1993a) op. cit.

[97] Organization of Guatemalan Refugee Women "Mama Maquin" and Women's Center for Research and Action (CIAM), **From Refugees to Returnees: A Chronicle of Women Refugees Organizing Experiences in Chiapas**, Comitan, Chiapas, Mexico, 1994. pp. 57

[98] Mama Maquin and CIAM, op. cit., pp. 58

In its first year, Mama Maquin focussed on organizing women and identifying refugee women's needs, demands and ideas. Mama Maquin, with the assistance of the UNHCR, conducted a survey to determine the situation of refugee women. The survey examined the level of women's participation in their communities, and sought to determine how women could be included in the Mexican Commission for Aid to Refugees (COMAR)-promoted projects aimed at self-sufficiency.[99] The survey also indicated two specific demands: first, that women overwhelmingly demanded a return to Guatemala; and second, that they wanted literacy training.[100] The literacy surveys found that as a result of the lack of schools in indigenous communities in Guatemala and the barriers that girls faced in attending school, indigenous women had extremely low levels of education. One statistic indicated that 66% of the women surveyed were illiterate.[101] As a result, UNHCR and NGO-funded and directed workshops were established and provided many women and girls with their first opportunity to learn Spanish.

Mama Maquin also worked with future goals in mind; specifically, the return process. Mama Maquin demanded that women be able to participate in the organizational structures, particularly the Permanent Commissions which were developed to facilitate refugee return. In addition to securing women's political participation and access to decision-making positions, Mama Maquin argued that the six conditions for return that the Permanent Commissions had specified were insufficient and should be amended to include the human rights of women. This included the demand that upon return to Guatemala women should have the right to own property and land.

The case of Mama Maquin is instructive for peacebuilding policy on refugees in a number of regards. First it indicates that times of refuge are opportunities for women's empowerment; second, that refugee camps are also locations of gender inequality; and third that formal peace processes can exclude women and leave discriminatory laws unchallenged. Finally, the Guatemalan case demonstrates that with informed and strategic interventions, the international community can provide refugee women with the resources and skills necessary to organize to meet basic needs, participate politically and demand their human rights including the right to participate in decisionmaking structures.

Widows of the Disappeared

The mobilization of women who remained in Guatemala is striking in its similarity to the refugee women. El Grupo de Apoyo Mutuo (GAM), the Mutual Support Group for the Reappearance of Our Sons, Fathers, Husbands and Brothers, was one of the first NGOs that mobilized against the military repression of the 1980s. In response to the "disappearance" of an estimated 38,000

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[99] Mama Maquin and CIAM, op. cit., pp. 59
[100] Mama Maquin and CIAM, op. cit., pp. 61
[101] Mama Maquin and CIAM, op. cit. pp. 27

Guatemalans in two decades,[102] GAM was formed by three women in June 1984, who initially met at police stations and morgues to question the authorities about what had happened to members of their families. They then began weekly meetings at the local headquarters of Peace Brigades International,[103] and by August 1984, had 130 members. By 1985 its membership had grown to 1,000, of which approximately two-thirds were poor, indigenous women without any political or organizational experience.[104]

GAM's approach initially was not to publicly accuse the government, but to initiate documentation of the "disappearances". They also sought meetings with government officials to demand information about their missing relatives. These demands resulted in a meeting in which GAM's members were told by President Victores that the "disappeared" had either run off to join the guerrillas or had left the country. Moreover, the government denied the existence of a strategy of "disappearances". [105] The frustration and anger over the government's denials coupled with the absence of financial and institutional support precipitated a change in GAM's strategy. They initiated weekly public demonstrations with regular invasions of public space, publicly denounced the government, and charged divisions of the security forces with the "disappearances." As one GAM member said, "[a]t first we didn't blame the government, because we thought that if we didn't blame them the disappeared would appear...But there comes a time when you have to tell the truth."[106]

Another women's organization that formed during the 1980s is CONAVIGUA, the National Coordinator of Widows of Guatemala. CONAVIGUA was generally comprised of indigenous, rural women who were widowed by the violence during the early 1980s, or by the conditions on the *fincas*.[107] Initially the group was formed by a group of widows who organized to help each other meet their basic needs including food, medicine, clothing and housing.[108] They subsequently evolved into an organization with an explicitly political agenda. CONAVIGUA objectives included demanding information from the state about their missing relatives, increased women's political participation and the promotion and protection of women's human rights. In their analysis of the violence in Guatemala, CONAVIGUA established a clear link between political violence and personal forms of violence, including gender-based violence.[109] CONAVIGUA made a concerted

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[102] Jennifer G. Schirmer, "Those who die for life cannot be called dead: Women and Human Rights Protest in Latin America", in Marjorie Agosin (Ed.) **Surviving Beyond Fear: Women, Children and Human Rights in Latin America.** US: White Pine Press, 1993. pp. 40

[103] Schirmer, (1993b), op. cit. pp. 42

[104] Schirmer, (1993b), op. cit., pp. 42

[105] Schirmer, (1993b), op. cit. pp. 42

[106] Schirmer, (1993b), op. cit. pp. 42

[107] Schirmer, (1993a), op. cit. pp. 50

[108] Schirmer, (1993a), op. cit. pp. 50

[109] Schirmer, (1993a), op. cit. pp. 31

effort to resist ongoing violence including gender-based violence and also worked to eliminate the violence perpetrated by the military against Guatemalan women.[110]   At the same time, CONAVIGUA widened their agenda to include raising awareness about poverty, education, and gender discrimination in the economy.[111]   They also opened CONAVIGUA's membership to all women who were interested in promoting and protecting women's human rights, thus firmly embedding CONAVIGUA within the nascent Guatemalan women's movement. In the post war era, CONAVIGUA continues to work for widows and children impacted by the civil war and to provide them with support. Its objectives are to struggle for demilitarization, end forcible recruitment by the army, and seek disclosure of cemeteries containing victims of repression.[112]   Other aspects of their work include preserving and rescuing aspects of Mayan culture, working for indigenous rights and skills development training for women.

The mobilization of the women of CONAVIGUA was not precipitated by political ideology, but by the loss of family members and the specific emotional and economic impacts these losses entailed for women. One analyst points out that the most striking feature of widow groups in Latin American countries was that they were led primarily by women "who would never in their lives before have considered demonstrating in the street against government on any issue whatsoever." [113] Although the women of CONAVIGUA and GAM were not initially motivated by political ideology beyond short term objectives nor by what could be considered as a feminist agenda, the purpose of these organizations and the political objectives would gradually shift and extend beyond the impact of armed conflict on Guatemalan society.

Creation of Political Space

Perhaps the most compelling aspect of the work of the women of GAM and CONAVIGUA was their ability to carve out a political space for themselves, and for all Guatemalans, during a time of extraordinary state repression. The situation in which these previously apolitical women operated was fraught with all sorts of risks and they challenged the government and the military at a time when any dissent was considered 'subversive'. They found few institutional supports and some political parties even called them subversive. [114]   At the same time as denouncing the government and the war, they established the public sphere as a legitimate space for women. The women of GAM and CONAVIGUA challenged prevailing assumptions that women should occupy the private sphere, be apolitical, and rely upon their fathers, husbands and sons in order to provide for and protect them. The fact that these women were able to publicly shame the state on a regular basis is monumental; the fact that they did this in a context which had traditionally excluded and

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[110] Schirmer, (1993a), op. cit. pp. 52
[111] Schirmer, (1993b), op. cit. pp. 51
[112] Community Aid Abroad, "Five hundred years is enough", http://www.caa.org.au/horizons/h15/mayan1.html
[113] Schirmer, (1993b), op. cit., pp. 33
[114] Schirmer, (1993b), op. cit. pp. 42

marginalized them to the periphery is astounding. Once the space had been opened and the peace process was initiated, the number of women's and other equality seeking organizations in Guatemala increased exponentially.

Some of the women's organizations that have emerged in Guatemala include:

- The National Women's Forum which was created under the auspices of the Socio-economic and Agrarian Reform Peace Accord has emerged as a prominent force at the federal level. The Forum's primary objective is to increase women's participation in Guatemala's economic and social development. It also acts to promote women's political participation, and is concerned with women's literacy, land scarcity, and barriers to access to adequate education and health care.[115]

- The National Permanent Commission for the Rights of Indigenous Women, which is part of the Coordination of Mayan Organizations (COPMAGUA), recently introduced a bill, the "Defense of Indigenous Women", to support women's involvement and access to key sectors including education, social services, and urging support for programs that foster the rights of indigenous women.[116]

- Other organizations include the First Lady's Secretariat of Social Work (SOSEP) which has instituted a Program for the Promotion of Rural Women, and a National Women's Forum for Political Parties which lobbied for an affirmative action bill on women's political participation; Tierra Viva; Guatemalan Group of Women (GGM), Mujeres en Solidaridad, Mujer Vamos Adelante and Coordination of Guatemalan Indigenous Women's Organizations (COMIGUA) which was established in 1995.

- In Mama Maquin's wake a number of other women refugee groups emerged that also applied gender-based analysis to a wide range of activities and experiences. Organizations like Nueva Union and Flores Unidas applied gender-based analysis to their productive and reproductive work in the camps and their past experiences in Guatemala. In 1992, these organizations united to form the Union of Guatemalan Refugee Women. One of their primary activities was to participate in scouting missions back to Guatemala intended to locate settlements for returnees.

Measuring the Long Term Impact

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[115] Valerie MacNabb and Central Analysis Group, "Women's Role in Guatemala's Political Opening", reprinted from Central Analysis Group (CAG), **In Focus**, Vol. 1, Ed. 11, Guatemala City, Guatemala, 12 October, 1998. At http://www.iadialog.org/womengua.html
[116] MacNabb and CAG, op. cit.

It is a challenging task to evaluate the long term impact of these women's organizations on the Guatemalan polity. On the one hand, the number and diversity of women and gender equality seeking organizations that exist in Guatemala is indicative of a certain measure of success. These organizations represent a large number of Guatemalan women and have a variety of political, social and economic agendas. They are also indicative of the extent to which the concepts of the human rights of women and gender equality captured Guatemalan society.

Some of the legislative successes include the amendment of the Penal Code so that married women are no longer punished for infidelity. The Law to Prevent, Eradicate and Punish Intra-family Violence was passed; and Article 4 of the 1995 Constitution provided for equal opportunities and responsibilities and recognized that both men and women are free and equal in dignity and rights.[117] Guatemala has also ratified all the relevant international and inter-American conventions, including the UN Convention on the Political Rights of Women, the UNESCO Convention Against Discrimination in Education, the Convention on the Elimination of All Forms of Discrimination Against Women and the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women. While these legislative and legal successes are notable, the ability, and perhaps willingness, of the Guatemalan state to enforce the human rights of women provisions in these instruments is weak. Loughna and Vicente point out that there is little correspondence between the norms and values adhered to in the international and regional conventions and the Constitution and Guatemalan domestic legislation.[118] Equally, the Guatemalan government has not developed mechanisms to enforce its international obligations, and due to inadequate resources, corruption and a poor judicial system, gender-based crimes continue with impunity.[119]

At the same time, legal equality has not translated into significant gains in political representation. Women have been unable to penetrate in a meaningful way the traditional sites of political power and remain significantly under-represented in political structures. In the national Congress, only 13 of the 80 deputies are women, there is only one woman Cabinet Minister and she is the Minister of Education, a post that is generally perceived of as an issue of concern to women. The poor level of representation is shared at other levels of government in Guatemala.[120]

The political left has also not provided women with many points of entry. Women occupy only 9% of the union leadership, and are poorly represented in political parties of the left.[121] One notable exception is the case of community leader and CONAVIGUA member Rosalina Tuyuc who won a seat in the Legislative Assembly in the 1995 national election, as part of the Democratic Front for

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[117] MacNabb and CAG, op. cit.

[118] Loughna and Vicente, op. cit.

[119] U.S. Department of State, "Guatemala Report on Human Rights Practices for 1997", Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

[120] MacNabb and CAG, op. cit.

[121] MacNabb and CAG, op. cit.

a New Guatemala, under the banner of the newly formed left wing party.

Gendered Barriers

Regardless of these difficulties, the dual processes of democratization and demilitarization continue to move forward in Guatemala. Although transition is a process fraught with periods of advances followed by setbacks, the low level of rights and benefits that Guatemalan women have accrued in the post-conflict period is sobering; particularly in light of the significant achievements they made during the conflict itself. A partial explanation for the inability of Guatemalan women to translate their mobilization into concrete achievements are the serious gender-based barriers and constraints. At the organizational level, there have been serious problems affecting the ability of women's organizations to continue to operate. For example, a lack of resources, including vehicles, have impeded the work of returnee women's organizations.[122]

Resistance to gender equality has also manifested itself in the form of public ridicule, harassment and in some instances violence has constrained women in both the private and public spheres.[123] The widened political space that women's organizations were instrumental in creating has not provided them with a safe arena in the post-conflict era. Politically active women are subject to a backlash from a number of actors in Guatemalan society, and women activists have been subjected to an extraordinary amount of intimidation and violence. For example, in 1998 there were a series of attacks on members of Mama Maquin throughout the country. In Guatemala City, Mama Maquin members were threatened to cease their activities. In another incident, men armed with grenades, machetes and firearms beat several women participants in an assembly of refugee women.[124] CONAVIGUA members have also been targeted, particularly by the military.[125] In 1990, one CONAVIGUA member was shot in her home and the assailants were subsequently identified as military commissioners.[126] In May 1996, Maria Tuyuc (the sister of former CONAVIGUA president Rosalina Tuyuc) was beaten and sexually assaulted outside the CONAVIGUA office in Guatemala City.[127] Several days before the attack on Tuyuc two other members of CONAVIGUA were victims of an attempted kidnapping.[128] Juana Calachij, a CONAVIGUA member who works to raise awareness of the issue of clandestine cemeteries, has been repeatedly targeted. Calachij has

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[122] Loughna and Vicente, op. cit.

[123] Loughna and Vicente, op. cit.

[124] "Urgent Action - The Observatory: Threats/Aggressions Guatemala", Observatory for the Protection of Human Rights, 25 June 1998.

[125] Community Aid Abroad, "War Widows Fight Back", http://www.caa.org.au/about/report96/widows.html

[126] Schirmer, (1993a), op cit. pp. 57

[127] "Threats against human rights defenders women in CONAVIGUA", www.amnesty.org\/ailib/intcam/guatemal/appeals/twelve.htm

[128] "Threats against human rights defenders women in CONAVIGUA", www.amnesty.org\/ailib/intcam/guatemal/appeals/twelve.htm

reportedly survived three separate abduction attempts by civil patrollers for her activities in the exhumation from a mass grave of five bodies who were killed by civil patrollers in 1984. [129] Women labour organizers have also been targeted including Vilma C. Gonsalves who in February 1996 received a letter saying "whore we give you 48 hours to leave the country". Later that day she was abducted, raped and beaten by heavily armed men.[130]

The attacks against women activists also takes the form of verbal attacks in which they are derided as subversive or guerrilla. In July 1994, Guatemalan army spokesman Colonel Morris de Leon accused Rosalina Tuyuc, then president of CONAVIGUA, of being "Julia", a figurehead in the insurgency, and alleged that her brothers were guerrillas.[131] Although the verbal attacks are used as devices for intimidation, they are instructive as to how women are perceived in Guatemalan society. In Guatemala, "good women" are represented as (heterosexual) wife, mother and silent. These representations reinforce cultural stereotypes that discourage women from entering the remunerated labour force, advocating for women's human rights, and resisting attempts to render them silent. For example, in describing a 1988 meeting with government representatives to discuss community issues of education and health, a participant described how they were disregarded because of their sex, and because they were active in the political sphere. At one point in the meeting, the government and military representatives threw the group's demands away and then called the women "bad women". When asked why she thought they were called "bad women", Maria, a member of the directorate stated "Because we had left our homes to demand help from the [government and military] authorities..." [132]

The reluctance to accept the idea that women are legitimate political actors is also taking place in indigenous communities. In many instances, refugee women returned to their communities after the end of the conflict with new behaviours, attitudes and expectations. The resistance that indigenous women face, as in the case of other Guatemalan women, takes the form of both verbal and physical attacks, and indigenous women who are politically active are frequently stigmatised within their communities.[133]

In her reading of **I, Rigoberta Menchu**, Irene Mathews writes

> In a country where women are still doubly colonized by their sex and their ethnicity,
> they are now also punished not because of their chastity, nor to intimidate or

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[129] Schirmer, (1993a), op cit. pp. 56

[130] Amnesty International, Urgent Action, AI Index: AMR 34/08/96, 1 March 1996.

[131] "Threats against human rights defenders women in CONAVIGUA", www.amnesty.org\ailib/intcam/guatemal/appeals/twelve.htm

[132] Schirmer, (1993a), op cit. pp. 51

[133] Sorensen, Birgitte. **Women and Post-Conflict Reconstruction: Issues and Sources**. WSP Occasional Paper No. 3, UNRISD: June 1998.

humiliate their menfolk, but for the public nature of their own actions: for their assumption of a voice - unprecedented and unwelcome and insistent "noise" against the oppressive monologue of the warfare of state terrorism.[134]

Although indigenous women mobilized during their time of refuge, they also faced resistance from their communities. One could easily assume that social movements which challenged politics as a state driven process would be more equitable and fair in representing diverse views, including claims for gender equality. However, social movements are also locations of hierarchies in which alternate voices are marginalized. This was especially the case for the returnees in the Pueblo Nuevo community of the Ixcán Grande Cooperative (IGC). The conflict was primarily between the community's Permanent Commissions' (CCPP) representatives on the one hand, and the organized sectors (*sectores*) of returnees, *inter alia*, the human rights organization Opodedhgua, the church group ACG (Guatemalan Christian Action) and the board of directors (*junta directiva*) of the IGC on the other.

The conflict between the CCPP representatives and the *sectores* and *junta directiva* also occurred along gendered lines with direct attempts on the part of the CCPP representatives to undermine the legitimacy of Mama Maquin and to marginalize the group's claims from the CCPP's agenda. In March 1995, CCPP representatives accused members of Mama Maquin and the *junta directiva* of IGC of being manipulated by the guerrillas.[135] Despite the fact that the CCPP representatives were either unwilling or unable to provide supporting evidence for this allegation, it remained an effective tactic in the discrediting and weakening of Mama Maquin in the community.[136] CCPP representatives continued their attack on Mama Maquin by accusing them of being responsible for problems in the region of the Ixcán and called for the dismissal of the *sectores'* leadership. As Krznaric points out this was a particularly successful tactic because in a short time the CCPP was able to secure the election of three new coordinators for Mama Maquin. Furthermore, this created a great deal of tension and disunion among Mama Maquin's membership because many have refused to accept the legitimacy of these new leaders. The CCPP continued their attacks on Mama Maquin by alleging they were not capable of effectively administering development projects. [137] Perhaps the most aggressive tactic that the CCPP took in efforts to marginalize Mama Maquin was by setting up a male dominated women's organization to rival Mama Maquin in Vertiente Noroccidentale.[138]

Other contributing factors to women's inability to make concrete gains is in large part due to the long history of repression and women's exclusion from political realm. Another partial explanation for the inability of claims to be represented in public policy and legislation lies in the continuing

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[134] Mathews, op. cit. pp. 188
[135] Krznaric, op. cit., pp. 65
[136] Krznaric, op. cit., pp. 66
[137] Krznaric, op. cit., pp. 66
[138] Krznaric, op. cit., pp. 72

structural inequities that beset Guatemalan women, particularly poor women, including poor placement in positions of political power both within the Guatemalan polity and the women's movement,

An additional factor in the failure to make significant gains may lie in the divisions within the women's movement itself.[139] Zillah Eisenstein points out that sites of dispersed power, including social movements, potentially contain hierarchies of power and knowledge.[140] Eisenstein's insight dramatically alters the conception of the women's movement as a site of plurality and democracy and makes some interesting insights about the Guatemalan case. Guatemalan women's groups cannot be identified as a movement of like-minded organizations and activists.[141] Instead they disagree on questions of purpose, method, and analysis. Some organizations reject the label feminist and ally themselves with popular movement. Some indigenous women's organizations claim a humanist approach to the achievement of their goals. Moreover they "consider seeking gender equality from or in confrontation with men as "anti-Maya".[142]

On the hand, there is also a tendency in some analysis to depict the indigenous experience itself as a source of women's oppression; particularly, when it comes to the question of family violence. There is indeed a high level of violence against women in Guatemala and according to UNICEF 76% of all violence against women occurs within the home. The dilemma however is that by locating the source of gendered violence in the family, and the indigenous family specifically, the meso and macro levels of analysis, including the impact that the militarization of society has had on societal violence, become obscured from view. One of the possible conclusions that can be drawn from locating women's oppression within the indigenous experience itself is that it can lead to the belief that the indigenous experience is contrary to the idea of women's agency. The solution in many minds is that Western feminism is the means through which to empower these women, as opposed to the development of a specific feminism particular to Guatemala.

Conclusion

One of the greatest lessons to emerge from the experience of women's mobilization in Guatemala is an echo of Enloe's warning that the processes of democratization and demilitarization do not necessarily operate in the interests of women. Guatemalan women still face enormous barriers including poor access to education and resources. They comprise 60% of the working population

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[139] Telephone interview, Valerie MacNabb, 21 February 1999.

[140] Zillah Eisenstein, **The Female Body and the Law**, Berkeley, Los Angeles & London: University of California Press, 1988. pp. 10

[141] Tania Palencia Prado and David Holiday, **Towards a New Role for Civil Society in the Democratization of Guatemala**, Montreal, Canada: International Centre for Human Rights and Democratic Development, February 1996, pp. 66

[142] MacNabb and CAG, op. cit

in both formal and informal sectors, however they make up only 19% of economically active population in the formal economy.[143] Some rural women are reported to work as much as 18 hours per day without remuneration. Social and economic indicators reveal a society still deeply skewed according to income and land distribution. Neoliberal economic policies initiated in the 1990s have further impeded equality with resulting high poverty levels for Guatemalans. It is estimated that approximately 76% of Guatemalan families live in poverty, and 33% of these families live in conditions of extreme poverty.[144] Disaggregating the statistics by sex reveals a significant level of gender inequality.[145] Women are among the most poorly educated in Guatemala, and records indicate that females have significantly lower levels of enrolment in school than males. According to the Human Development Report in 1995, approximately 57.2% of adult Guatemalan women were literate compared to 72.8% of men.[146] One estimate suggests that 75-90% of indigenous women are illiterate.[147] Indicators also reveal that women have poor access to health care and good nutrition in Guatemala and this in part is reflected in the lowest average life expectancy for women in all of Central America.[148]

Key to the effective post-conflict rebuilding of society is the promotion and protection of human rights and fundamental freedoms, including women's human rights. Yet in post-conflict Guatemala, women are denied their human rights in a number of areas, including in access to health, education and other social services, are denied access to decision-making positions and are marginalized from the political process. The irony of course is that the very space that groups like GAM, CONAVIGUA and Mama Maquin were so instrumental in opening is restricting in the aftermath of the peace process. Women's groups are consistently being marginalized from the political sphere. Criticized for interfering with "democratic processes" and granted little access to institutional sites of power[149], these organizations and their goals are once again being pushed to the margins of the political debate.

Jennifer Schirmer writes with respect to the widows of state repression in Guatemala:

> ....[I]n the act of re-democratization, these women are once again marginalized politically, and the traditional gender roles which had been transformed by the immediacy of repression fall back into place. Yet, these women are determined not to have their individual tragedies dismissed as personal dramas and their relatives

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[143] Ibid.

[144] Loughna and Vicente, op. cit.

[145] United Nations Development Program, **Human Development Report 1998**, New York, Oxford: Oxford University Press, 1998.

[146] Ibid.

[147] MacNabb and CAG, op. cit.

[148] The average life expectancy for a Guatemalan woman is 66.4 years.

[149] Schirmer, (1993b). op. cit. pp. 57

forgotten. They believe that if a society censors its memory and continues to deny the past to its children and grandchildren, then there can be no hope for a just social order of any kind."[150]

The shift in thinking in the international community about times of conflict and refuge as sites of social mobilization is a significant step in revealing the complexity of these situations. However the question, "where are the women?", that seems to have penetrated these communities needs to be complemented by questions which address inequalities and hierarchies of privilege and power that may exist among these new social actors and forces, including social movements. The case of Guatemala is instructive that in addition to asking "where are the women?" and "what do the women say?", the peacebuilding community should also ask "Which women are we listening to?" "Whose voices are left out?", "Are some women given greater access than others?" Asking these questions along with a variety of others will assist the international community in attempting to draw out the differences between and among women and the ways that ethnicity, class, and sexuality determine position, voice and agency.

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[150] Ibid., pp. 57

RWANDA

Introduction

Due to women's general exclusion from sites of power, particularly the military and government, armed conflict is usually depicted as a male-stream occupation.[151] According to this line of thinking, the only subjects that matter are combatants, decisionmakers, and politicians, which tend to be male-dominated occupations. Feminist articulations of armed conflict have revealed the gender-blindness that afflicts the field of international security by pointing to the myriad of ways in which war does occupy women.[152] Women, along with children, comprise the majority of refugees and internally displaced persons (IDPs); women are the majority of victims of gender-based violence; and women engage in a range of activities aimed at peace and reconciliation.[153] Yet, even in this literature, there is a tendency to depict women in their civilian roles. These accounts may also inadvertently lead to the conclusion that women are only victims of armed conflict and/or peacemakers. This may lead to an additional assumption that since these are the primary experiences of the majority of women, that they are either victims of armed conflict or peacemakers because they are inherently peaceful. Focussing exclusively upon these experiences contributes to an "essentialized" understanding of women's experiences of war; and this leads to uncomfortable conclusions about the nature of women's agency. In actual fact, women as victims of war or peace-makers are partial reflections of the reality of women in war. Women have also been participants in a number of armed conflicts as ideological supporters, spies, informants, and combatants.[154]

Leaving these assumptions about armed conflict unchallenged is counterproductive when it comes to understanding the gender dimensions of armed conflict and the development of peacebuilding policies. For example, as one observer points out that during the war of liberation in Algeria, women's usefulness as couriers was predicated upon the assumption that the French would not suspect women of insurgency.[155] One of the objectives of this piece is to uncouple women from the myths that surround them as innocent, vulnerable and peaceful. Peacebuilding policies which are predicated upon "essentialist" ideas about women will compromise, if not undermine, their success. For example, if combatants are understood to be exclusively men, then women ex-combatants will be precluded from reintegration assistance programs.   These women will be economically

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[151] See references listed under footnote #1 in "Feminist Approaches to International Relations".

[152] Vickers, op. cit.

[153] For a more detailed discussion of the variety of ways in which women experience war see Jeanne Vickers. **Women and War**. London & New Jersey, Zed Books, 1993.

[154] For example, women have been combatants in Eritrea, Guatemala, El Salvador and Nicaragua.

[155] Meredeth Turshen, "Women's War Stories", in **What Women Do in Wartime: Gender and Conflict in Africa**, Meredeth Turshen and Clotilde Twagiramariya, Eds., London and New York: Zed Books, 1998. pp. 1-25.

disadvantaged as soon as the DDR programs are initiated. Moreover, from a theoretical standpoint assuming that women are not combatants will provide an inaccurate picture about armed conflict by leaving aside questions like who participates in armed conflict and for what reasons? A more complete understanding about the rationale(s) for participating in armed conflict will be yielded if both men and women are understood to support and engage in armed conflict, since women may, in some instances, have different reasons.

The case of Rwanda provides an interesting case study in exploring women as participants in armed conflict. In addition to problematizing assumptions about women's nature and role in armed conflict, the case of Rwanda also demonstrates the counterproductive aspects for peacebuilding policy in holding these assumptions. In the case of Rwanda, some women who were alleged to have participated in the genocide benefitted from the myth of women's "innocence" which afforded them "protection" them from prosecution.[156] Second, some women who were alleged to have participated in the genocide, and benefitted from the protection which "innocence" provided them were subsequently alleged to have engaged in activities which sought to undermine the peace process. These women were suspected of having collected information and resources in Rwanda and providing them to their male relatives and colleagues who continued to work from the camps.[157]

This section will identify women at various locations in the conflict in order to contribute to a more complete understanding of women's involvement in armed conflict and the Rwandan genocide. In the case of Rwanda, some Rwandan women were participants in the planning and implementation of the genocide, as in the case of Pauline Nyiramasuhoko, the former Minister of Women's Affairs.[158] Other women provided names and lists of names of men, women and children to be killed, and others were willing executioners themselves. The point should be made however, that in many cases the participation of women in the genocide was made reluctantly, coerced or for fear of being killed.[159] It should also be stressed that the majority of Rwandan women were victims of the genocide. Many more women were tortured, raped, murdered, displaced, and lost their families and homes than those who participated. Moreover, women by virtue of demographics are now overwhelmingly responsible for the huge burdens of post-conflict rebuilding in Rwanda. The attention paid to the women who were complicit in the genocide should not be construed as intended to undermine efforts to assist women in post-conflict rebuilding; nor as an attempt to diminish the serious and grievous crimes that were committed against women during the genocide. Rather, the purpose of examining women who were complicit in the genocide is to shed some light on a range of experiences that are generally not represented in mainstream accounts and more importantly to

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[156] African Rights, **Rwanda Not So Innocent: When Women Become Killers**, London: August 1995.

[157] African Rights, (1995) op. cit. pp. 5

[158] Human Rights Watch, **Leave None to Tell the Story: The Genocide in Rwanda**, New York: Human Rights Watch, March 1999. Http://www.org/reports/1999/rwanda/

[159] Human Rights Watch, **Leave None to Tell the Story: The Genocide in Rwanda**, New York: Human Rights Watch, March 1999. Http://www.org/reports/1999/rwanda/

indicate that peacebuilding policies predicated upon a gendered dichotomy of experience in conflict is ultimately counterproductive to the building of a new peace.

The Genocide

The 6 April 1994 plan crash which killed President Habyarimana precipitated a series of events which culminated in the Rwandan genocide. Two days after the crash, an interim government headed by Thèodore Sindikubwubo was formed, which was entirely under the control of Hutu extremists. Over the next 3 months, between 6 April and 4 July 1994, it is estimated that approximately 500,000 Rwandans were killed during the genocide.[160] Other estimates claim that one million were killed, of which one third were children.[161] Approximately two million people fled Rwanda as refugees and an additional two million were internally displaced.

The genocide which targeted Tutsis and Hutu moderates was extremely well organized and by March 1994 Hutu Power leaders had made preparations to kill large numbers of Tutsi, and Hutu opposed to Habyarimana.[162] The swiftness and 'success' of the genocide is in large part due to its planned, deliberate and anticipated nature.[163] The organizers, including military and administrative officials, politicians, businessmen and others, depended upon the successful enlistment of officials throughout the system, including those in other parties.[164] Through a campaign of propaganda broadcast over the radio which called for Hutu unity and personal appeals, the organizers of the genocide were able to secure support in other parts of Rwanda and deliver messages inciting violence.[165] Lists had been compiled of targets including moderate politicians and members of Rwanda's pro-democracy and human rights movements, Hutu and Tutsi alike. The genocide was so swiftly executed that one report indicates that by the third week of the genocide most of the Tutsi population was dead.[166]

Concurrent, and often conflated with the genocide, was the unorganized violence motivated by class in which groups of landless youth and urban poor, and other individuals roamed streets robbing and

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[160] For a discussion of the debate surrounding determining the number of people who were killed during the genocide see Human Rights Watch, **Leave None to Tell the Story: The Genocide in Rwanda**, New York: Human Rights Watch, March 1999. Http://www.org/reports/1999/rwanda/

[161] Linda Malvern, "Genocide behind the Thin Blue Line", **Security Dialogue**, Vol. 28, No. 3, 1997. pp. 344

[162] Human Rights Watch, (1999) op. cit.

[163] In January 1994, the troop commander of UNAMIR, Major-General Roméo Dallaire was reportedly told that by a high level government informant that lists of Tutsis residing in Kigali were being prepared with the view to exterminate them. Dallaire was also told that a militia was being trained in special camps, presumably to effect the extermination. Cited in Linda Malvern, "Genocide behind the Thin Blue Line", **Security Dialogue**, Vol. 28, No. 3, 1997. pp. 336

[164] Human Rights Watch, (1999) op. cit.

[165] Human Rights Watch, (1999) op. cit.

[166] African Rights (1995) op. cit., pp. 23

looting both Hutu and Tutsi.[167] As time progressed, some argue that the killings and violence were less motivated by political objectives of extermination of the Tutsi but motivated instead by individual factors including greed and personal retribution.[168]

The level of organization and the scale of its implementation meant that during the genocide in Rwanda there was no such thing as a "safe place". Places which are typically associated as havens became sites of mass slaughter. People were murdered in their homes, churches, and schools. Implementers of the genocide used the Presidential Guard, the army, gendarmes, civil administration and the National Republican Movement for Democracy (MRND) militia, the *interahamwe* to compel all local Hutu to kill Tutsi.[169]

Women and the Genocide

The organization and implementation of the genocide was not an experience limited to men, and women can be clearly identified as participants.[170] Some Rwandan women supported the genocide ideologically, while others participated in its planning stages and others were killers themselves. Women's participation was not limited to any specific region in Rwanda, and women of all classes and levels of education are linked to the genocide, including government officials, nuns, teachers, and medical staff.[171]

There is a vital distinction to be drawn between women who were willing participants and those who were coerced into killing. Part of the strategy in executing the genocide was to implicate all and this was achieved by forcing men, women and children to participate. Many women were compelled to commit crimes out of fear for their own lives. However, at the same time some women participated out of their commitment to the ideal of ridding Rwanda of the Tutsi and their belief in the rhetoric and propaganda that had become a part of Rwandan daily life.[172]

Women's involvement in the genocide can be separated into at least two distinct categories:

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[167] For a description of this see, Villia Jefremovas, "Contested Identities: Power and the Fictions of Ethnicity, Ethnography and History in Rwanda", **Anthropologica**, XXXIX, 1997. Pp. 98-99; For a discussion of the socio-economic aspects of the conflict see Jefremovas (1997), M. Chossudovsky, "IMF-World Bank Mission Policies and the Rwandan Holocaust", Penang: Third World Network Features, e-mail article, 1287/95.

[168] Jefremovas, op.cit., pp. 99

[169] African Rights, (1995), p. 24

[170] African Rights, (1995).

[171] The participation of some Hutu nuns in the genocide is discussed in the "Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, Addendum: Report of the mission to Rwanda on the issues of violence against women in situations of armed conflict." E/CN.4/1998/54/Add.1, 4 February 1998.

[172] For more information on the use of propaganda during the genocide and the kinds of rhetoric, including gender specific rhetoric, that was used see African Rights (1995) op. cit., HRW (1996) op. cit.

direct and indirect participation. Their 'indirect' participation included activities like providing names and lists of names of Tutsis and moderate Hutus who resided in their areas to soldiers, the militia and local government officials for execution. Women (and children) were also allegedly responsible for stripping the dead and barely dead of their jewellry, money and clothes.[173] Many women failed to provide refuge to those who sought their assistance, and it is reported that some women refused to hide their own Tutsi children and grandchildren.[174] In fact according to an African Rights report there is no evidence to support the idea that women were more willing to give refuge than men.[175]

Women were also supporters of the genocide and "excelled as 'cheerleaders' of the genocide, singing and ululating the killers into action."[176] Women guarded check points and checked ID cards, turned petrol over to *interahamwe* and soldiers so that people could be burned alive.

Some women were also responsible for killings. There are accounts of Hutu women who murdered their neighbours and relatives and also surrendered their friends and family to others to be murdered.[177] Women also 'finished off the wounded' which included using a machete to hack away limbs; they beat up prisoners before they were executed by the *interhamwes* and some women even organized and led attacks on Tutsi.[178]

One woman who was involved in the genocide is Euphrasie Kamatamu who was a former councillor in Kigali. In July 1998 Kamatamu was convicted on charges of genocide and sentenced to death by a Rwandan court. Kamatamu and her husband, Thomas Habyarimana, were found guilty of having drawn up death lists, distributing weapons to militias and manning roadblocks.[179] In August 1998, Josephine Mukanyangezi was sentenced to death by the court in Gitarama for genocide and crimes against humanity. She was sentenced for her involvement in the massacres in Kicukiro commune, south of Kigali, during the 1994 genocide.[180] Other women in positions of political leadership are alleged to have supported the genocide, and it also alleged that they used their positions to influence activities including ordering attacks on Tutsi.[181]

As mentioned earlier, women of all backgrounds and education were involved in the genocide, including a female minister in the interim government; ironically, the minister responsible for

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[173] African Rights, (1995), p. 82

[174] Ibid., pp. 2

[175] Ibid., pp. 2

[176] Ibid., pp. 1

[177] Ibid., pp. 2, 53-66

[178] Ibid., pp. 1-5, 41

[179]"Rwanda Court Convicts Four of Genocide", **Washington Post**, 18 July 1998, http://search.washingtonpost.com/wp-srv/WAPO/19980718/V)))837-071898-idx.html

[180] "Woman sentenced to death", **The Globe and Mail**, 7 August 1998.

[181] Human Rights Watch, (1999) op. cit.

women and the family, Pauline Nyiramasuhuko. According to African Rights, Nyiramasuhuko bears both individual and collective responsibility for the policy of genocide because she remained in Cabinet during the genocide.[182] In August 1999, Nyiramasuhuko, was charged by the ICTR with rape, in addition to already existing charge of genocide.[183] Part of the charges against Nyiramasuhuko alleged that she did not stop her subordinates from raping women during the genocide. Nyiramasuhuko allegedly possessed a great deal of influence including her own militia and was alleged to have been seen in military uniform giving explicit instructions to "not spare anyone, not even the foetus or the old".[184]

The case of Nyiramasuhuko is particularly instructive of the need for a gender analysis to be applied to the participants of a genocide. Under the protective cover that 'innocence' afforded her and other women, Nyiramasuhuko escaped arrest and was reported as late August 1995 to be head of social services in Inera camp, a Caritas run camp, for refugees in Bukavu. Numerous other women have allegedly escaped punishment and live free outside of Rwanda.[185]

The Myth of "Innocence" and Rebuilding

One of the objectives of detailing the allegations against women involved in the genocide is to dispel the myth of women's innocence which is usually ascribed to them by virtue of their sex. Not only is it an inaccurate assumption, but it also counterproductive in the rebuilding phase. The African Rights Report accurately describes the implications of relying upon false gender assumptions. They write,

> Taking advantage of the blanket protective cover of their "innocence", women have returned by the thousands to the regions of Rwanda neighbouring Zaire, Burundi and Tanzania. Leaving their husbands, fathers and brothers in the camps, many of them return to reclaim their property, at the same time providing information for their men folk on their reconnaissance visits. These women rent out their property, often evicting the survivors of the genocide whose homes have been destroyed, or they cultivate their fields. Some of this money returns to the camps, and a per centage is no doubt used to terrorise innocent refugees and destabilise Rwanda. Many of these women are of course themselves guilty of nothing, just as not every male refugee is a killer. But the ease with which they have been able to exploit the label of "innocence" makes it easier to use them as a front for men and women who are killers.[186]

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[182] African Rights, (1995), op. cit., pp. 90
[183] "World: Africa Woman charged with rape in Rwanda", BBC News, 11 August 1999.
[184] African Rights (1995) op. cit., pp. 91
[185] African Rights (1995) op. cit. Pp. 98
[186] African Rights (1995), op. cit., pp. 5

In Rwanda, the issues of impunity and justice have been identified as key to peacebuilding. This involves bringing those who are responsible to justice either before the Rwandan courts or the International Criminal Tribunal for Rwanda (ICTR). Perceiving those who are responsible for the genocide and therefore subject to the courts as a male experience obscures the role that some women played in making the genocide as effective, massive and hideous an experience it was in Rwandan history. Moreover constructing guilt as a male experience will deny justice to the many Rwandans who suffered at the hands of women.

Therefore as the above indicates that instead of conceptions about women's singular experience of conflict, there is instead an infinite variability. In other words, women are not just victims of violence, but can be and are violators of human rights. The case of Rwanda clearly demonstrates that gender assumptions about women's roles and nature are fallacious. While some Rwandan women were peacemakers, and are clearly the ones responsible for the rebuilding of Rwanda, the role of women is more complex than this account would allow.

RWANDA, PART II: SEXUAL VIOLENCE

Introduction

The previous section focused attention on women who were complicit in the genocide with the explicit purpose of breaking the mythology that surrounds women as *always* and *inherently* innocent. It should, however, be stressed that the majority of Rwandan women suffered tremendously during and after the genocide. Women were victimized in a number of ways: they lost their homes, their families, and sought refuge in camps where they were often again subject to crimes and violence. Rwandan women were also subject to one of the most egregious forms of gender differentiated experiences: sexual violence. The number of Rwandan women who were raped, forced into sexual slavery, disfigured, sexually mutilated, and eviscerated during the genocide is utterly appalling. Some estimates suggest that as many as 250,000 women were raped or forced into sexual slavery.[187]

The subject of sexual violence during times of armed conflict has become the focus of much needed attention in the late 20th century. There is excellent documentation of the mass rape of German women by exiting Russian soldiers during World War II. On the other hand, lesser known are the gender specific crimes that the Japanese perpetrated during "the rape of Nanking".[188] In many minds what crystallized sexual violence as a tool of war in the modern consciousness is the war in the former Yugoslavia. In this war, the rape of Bosnian women by Serbian soldiers and *chetniks* was a planned and systematic campaign implemented on a massive

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[187] Jan Goodwin, "Rwanda: Justice Denied", **OTI (On the Issues) Online**, Vol. 6, No. 4, Fall 1997, http://www.echonyc.com/~onissues/f97rwanda.html

[188] Iris Chang, **The Rape of Nanking: The Forgotten Holocaust of World War II**. Basic Books, 1997.

scale. This campaign was facilitated by the use of camps specifically intended for the rape and torture of Muslim women, as well as the subsequent production of pornography of the rapes.[189] This account of war is also indicative of the recognition that *sexual violence is a weapon of war*.[190] In other words, sexual violence against women has a meaning and a purpose within war; specifically, sexual violence is a tool by which to demoralize the enemy, to degrade and punish women and to destroy and impugn a women's bodily integrity.

Sexual Violence

Sexual violence was an extremely widespread activity during the genocide in Rwanda and women were subjected to violence by the Hutu militia groups, known as the *Interahamwe,* Rwandan Armed Forces' soldiers including members of the Presidential Guard, and by other civilians. The use of sexual violence was advocated and supported by political, military and administrative leaders who saw it as an effective tool to meet their political objective of killing all Tutsi and Hutu moderates in Rwanda.[191]

Some observers even suggest that every Rwandan woman and girl who survived the genocide was raped.[192] Another estimate suggests that over 250,000 women were raped or forced into sexual slavery.[193] Most of the women who were raped were between the ages of 16 and 26, although there are reports that girls as young as 2 and women over the age of 50 were also raped.[194] While Tutsi women were the overall target of sexual violence, moderate Hutu women were also raped suggesting that rape is not just motivated by ethnicity but by virtue of their sex and status in society.[195]

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[189] See Catharine A. MacKinnon, "Turning Rape into Pornography: Postmodern Genocide" in (Ed.) Alexandra Stiglmayer, **Mass Rape: The War against Women in Bosnia-Herzegovina,** Lincoln: University of Nebraska Press, 1994. In this article, MacKinnon discusses the filming of rapes and how this pornography was used as a tool of genocide. Pp. 73-81

[190] Rape was recognized in its capacity as a weapon of war in Rwanda by Mr. René Degni-Segui, Special Rapporteur on Rwanda for the Human Rights Commission. See United Nations Department of Public Information, **The United Nations and Rwanda: 1993-1996,** New York: United Nations, 1997. In this report, Mr. Degni-Segui found that "[r]ape was systematic and was used as a 'weapon' by the perpetrators of the massacres..." and that "[a]ccording to consistent and reliable testimony, a great many women were raped; *rape was the rule and its absence was the exception.*" Emphasis mine.

[191] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, **Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath,** New York, NY: Human Rights Watch, September 1996. pp. 1

[192] Ibid., pp. 24

[193] Goodwin, op. cit.

[194] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 24

[195] Clotilde Twagiramariya and Meredeth Turshen, "'Favours' to Give and 'Consenting' Victims: The Sexual Politics of Survival in Rwanda", in Meredeth Turshen and Clotilde Twagiramariya (Eds.), **What Women Do in**

Exact figures of the number of women were raped will never been known, and this is in part due to the difficulty in collecting this data. According to Human Rights Watch, the only attempts to ascertain the overall level of gender-based violence has been through extrapolations based on the number of recorded pregnancies as a result of rape. The source of these statistics is the January 1996 report of Special Rapporteur Degni-Segui in which he estimated that there were anywhere from 250,000 to 500,000 rapes although he asserts that the upper limit seems excessive. Degni-Segui makes a crucial point however by arguing that the number of rapes is not as important as the "principle and the types of rape".[196]

In addition to the appalling number of crimes, there were a wide range of abuses that were perpetrated during the genocide. The term *sexual violence* refers to a number of crimes including rape, sexual mutilation, sexual humiliation, forced prostitution and forced pregnancy.[197] Also documented in the case of Rwanda is gang rape and evisceration.[198] The Women's Commission for Refugee Women and Children reported cases of infants discovered nursing from the breasts of their headless mothers.[199] In the case of Rwanda, it was not unusual for raped women to be killed or left for dead. Many other women died due to the brutal nature of the rapes and sexual violence. Women were raped and repeatedly raped with sharpened sticks, gun barrels and boiling water. There is even one documented case of a woman who was raped with acid.[200] Other women died after their genitalia had been sexually mutilated by machetes and other weapons after having been raped.[201] There is also extensive evidence that being left for dead did not mean the end of the abuse. Many women and girls who were raped and assumed dead were often found by another group of individuals who then subjected them to even more violence.[202]

Rationale for Sexual Violence During Times of Armed Conflict

The use of sexual violence as a tool of war leads to a number conclusions about the ideas of women and their role in armed conflict: First, in some spheres women are perceived as part of

Wartime: Gender and Conflict in Africa, London and New York: Zed Books, 1998. pp. 103

[196] Quoted from Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 24

[197] "Sexual Violence and Armed Conflict: United Nations Response".

[198] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit. pp. 39; Goodwin, op. cit.

[199] Goodwin, op. cit.

[200] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 1

[201] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 64-65

[202] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996)op. cit., pp. 44

the 'spoils of war'.[203] This explanation suggests that violating the "enemy's women" is part of the benefit or payoff for having engaged in war. The United Nations Division for the Advancement of Women and Michelle Jarvis in a study they did on sexual violence and armed conflict point out this attitude towards women finds it source in notions that women are chattel or property.[204] This indicates the extent to which patriarchal notions of women can be used to justify actions which violate women. An alternate motivation is that the rape of women, particularly the "Other's" women, serves to reinforce notions of masculinity. The corollary is that it is a method of weakening the enemy's masculinity by demonstrating their inability to protect their women.[205]

In recent years, as documentation and the increased willingness to listen to women's voices have become prominent, a more complete and compelling explanation for the use of sexual violence in times of war has reached a critical mass in the international community. In the case of the former Yugoslavia as in the case of Rwanda, the mass rape and sexual crimes committed against women was part of a strategy of genocide. In this regard, women who are victims of war are more than spoils or unfortunate victims, but agents through which wars of race, ethnicity, nationality and community are waged. Women's bodies become a battlefield upon which race, ethnicity, nationality and community are contested.[206] In the Rwandan case, the targeting of women was a deliberate strategy to transform Rwandan society. One of the tools that Hutu extremists employed was propaganda, in which Tutsi women were depicted as traitors. For example, in December 1990, *Kangura*, a newspaper, published the Hutu "Ten Commandments" in which the first commandment defined as a traitor any Hutu man who married, befriended or employed a Tutsi woman as either his secretary or concubine was a traitor.[207] Other propaganda constructed Tutsi women as spies, arrogant and made false claims that they were more beautiful that Hutu women. The Special Rapporteur on violence against women, Radhika Coomaraswamy, concluded that when the killings and rapes were taking place, the sexist propaganda which preceded the violence revealed its utility as many Tutsi women reported that while they were being raped and humiliated they were told that they were too proud and arrogant.[208] For example, one woman recounts the ordeal of having been pulled out of a communal grave and subsequently raped by a Presidential Guard soldier. He is reported to have said "you Tutsi are

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[203] United Nations Division for the Advancement of Women. **Sexual Violence and Armed Conflict: United Nations Response.** April 1998.

[204] Ibid.

[205] Ibid.

[206] C. Bunch and N. Reilly, **Demanding Accountability: The Global Campaign and Vienna Tribunal for Women's Human Rights,** New York: UNIFEM, 1994. pp. 38

[207] United Nations Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, Addendum, Report of the mission to Rwanda on the issues of violence against women in situations of armed conflict. E/CN.4/1998/54,Add.1 4 February 1998.

[208] Ibid.

inyenzis (cockroaches) with long tails. We must kill Tutsi women, we must rip them apart."[209]

The Impact of Sexual Violence

The raping of women yields consequences which extend beyond the immediate physical and psychological trauma. For many women, the emotional trauma of being raped is a complex issue which plays itself out in a myriad of ways. Some Rwanda women expressed a sense shame for having survived the genocide when so many others died. This is felt particularly acutely by women who were forcibly "married".[210] These women were held captive by militia members as personal sex slaves and feel extreme ambivalence over the conditions under which they survived. On the one hand, they had no choice, and were often subject to repeated rapes by their "husbands". Yet, on the other hand, they are cognizant of the fact that they would probably not have survived without the protection of their "husband". Their sense of guilt is further compounded by the fact that returnees denounced them as collaborators in the genocide by virtue of their having survived.[211]

Other women feel a sense of shame simply by virtue of having been raped. Moreover, these women have been reluctant to disclose their rapes because of fear of being stigmatized by society. One rape survivor said, "after rape, you don't have value in the community."[212]

Another serious impact is the long term and often permanent damages sustained by victims on their reproductive systems. One testimony indicates the severity of the violence and the necessity for long term health care. In her account of the three months in which she was repeatedly raped and sexually mutilated, a genocide survivor, documents one incident in which she was raped and sexual mutilated by two *Interahamwe.*

> Then, one of them sharpened the end of the stick of a hoe. They held open my legs and pushed the stick into me. I was screaming. They did it three times until I was bleeding everywhere. Then they told me to leave. I tried to stand up, but I kept falling down. Finally I crawled outside. I was naked crawling on the ground covered in blood.[213]

Between June 1994 to December 1994 this rape survivor received medical care for the injuries she sustained during the rapes. In her testimony she revealed,

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[209] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 49

[210] Ibid., especially pp. 56-62

[211] Ibid., pp. 56

[212] Ibid., pp. 25

[213] Ibid., pp. 44

Since the war has ended, I have not had my monthly period. My stomach sometimes swells up and is painful. I think about what happened to me all the time and at night I cannot sleep. I even see some of the Interahamwe who did these things to me and others around here. When I see them, I think about committing suicide.[214]

Although the scale of sexual violence and impact on women's health is enormous, the health needs of these women is not being met. The Special Rapporteur on violence against women in her mission to Rwanda reported that in 1998 there were only five gynaecologists in Rwanda. After her investigation she concluded that health services in Rwanda were unable to deal with the problems of sexual violence.[215] As a result thousands of women survived sexual violence without receiving appropriate medical and psychological treatment. This appears to be a significant and meaningful opening for the international community concerned with peacebuilding.

Another issue that rape survivors are coping with is the percentage of women who have become pregnant as a result of rape. One UNICEF survey found that of 304 rape survivors, approximately 35% had become pregnant.[216] Due to the illegality of abortion in Rwanda, rape survivors who become pregnant have few, if any, choices when it comes to exercising reproductive self-determination. As well, none are particularly conducive to a rape survivor's mental or biological health. A number of Rwandan women have died due to botched abortions undertaken in often unsafe conditions and/or from complications arising from self- induced abortions.

Pregnant women who are unwilling to sacrifice either their lives or their reproductive health face the alternative of going to term with the pregnancy. These children conceived in rape, estimated to number between 2,000 and 5,000, are termed "les enfants mauvais souvenir" or "children of bad memories" and are often abandoned.[217]

Dr. Catherine Bonnet a French physician who conducted a UNICEF survey of rape victims notes that the

psychopathy of pregnancies resulting from rape in Rwanda is the same as that

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[214] Ibid., pp. 45

[215] United Nations Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, Addendum, Report of the mission to Rwanda on the issues of violence against women in situations of armed conflict. E/CN.4/1998/54,Add.1 4 February 1998.

[216] Goodwin, op. cit.

[217] Human Rights Watch/Africa, Human Rights Watch/Women's Rights Project, Federation Internationale des Ligues des Droits de l'Homme, (1996) op. cit., pp. 3

which has been observed in the former Yugoslavia: These pregnancies are concealed, often denied and discovered late. They are often accompanied by attempted self-induced abortions or violent fantasies against the child; indeed, even infanticide. Suicidal ideas are frequently present. Some women probably committed suicide without revealing the reason when they discovered that they had become pregnant by their rapist tormentor.[218]

The remaining option is the grim prospect associated with supporting themselves and these dependents in the post-genocide Rwanda.

It should be noted however that one UN agency, the United Nations Population Fund (UNFPA), responded to the level of gender-based violence in Rwanda and was acutely aware of the linkage between armed conflict and the implications for women's reproductive health and self-determination. The crisis precipitated the provision of emergency reproductive-health-care kits to Rwandan refugees in the camps in the Congo. The kits include postcoital contraception, oral contraceptives and condoms, midwifery and self-use infant-delivery kits, medical equipment for incomplete or post-abortion complications and HIV testing kits.[219]

Another issue is the connection between the mass rape of Rwandan women and the spread of HIV. Although it is difficult to directly link rape to the subsequent infection of a given individual, it is worth noting that many raped women have tested positive for the virus. Taking into consideration the fact that women already comprise the majority of the population in Rwanda and will therefore shoulder the burden for rebuilding, an increase in HIV and AIDS will further compromise women's ability to rebuild and engender a number of consequences for the next generation including social and health care costs.

In addition to the failure to meet the medical needs of women who are victims of sexual violence, the psycho-social aspect which has been identified in a number of analyses that deal with the issue of rebuilding Rwanda, has been left unaddressed. In Rwanda, few trauma programs targeted women specifically. Clearly the ability of women to rebuild is dependent on the provision of services and goods that will meet their needs in the area of health - both mental and physical, legal services, and assistance in providing for their families.

Conclusion: Rebuilding Rwanda

In Rwanda, in the aftermath of the genocide, survivors are now facing a variety of challenges in rebuilding, including overcrowded prisons with prisoners awaiting trial, economic and food

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[218] Goodwin, op. cit.

[219] "Birth Control in the War Zone", **OTI (On the Issues) Online**, Vol. 6, No. 4, Fall 1997, http://www.echonyc.com/~onissues/f97rwanda.html

insecurity and overcoming psycho-social trauma. It is estimated that women comprise approximately 60% of the population and will therefore be heavily involved in post-war reconstruction. In addition to the aforementioned challenges, women in post-genocide Rwanda face a number of gender-specific challenges. For example, the inability of Rwandan women to inherit or own property severely impedes women from meeting their basic needs and from participating in the rebuilding of Rwanda.[220] Moreover, the denial of land and property rights is a contributing factor in the re-creation of gender inequality in the post-genocide era by reconstructing a relationship where women are forced to become dependent and subservient to men in order to gain access to resources including housing and capital. Many refugee women returned from the camps to their former homes to find their land has been appropriated by male relatives of their former husbands or partners. These women have subsequently been 'encouraged' to marry, or solicit male support so that they will regain entitlements and economic security through their relationships with their male relatives. Recently however, the Law on Matrimonial Property and Succession was adopted, allowing women greater legal access to their husband's and parent's property.

In spite of the enormous challenges in rebuilding Rwanda, including being primary caregivers for their children as well as for other children for whom they have assumed responsibility, Rwandan women have demonstrated an enormous capacity for rebuilding. They have formed numerous organizations that are concerned with demanding property and inheritance rights, supporting women survivors of the genocide through the provision of health services, including trauma counselling, social assistance, income-generation projects and financial assistance.[221] The capacity of Rwandan women to rebuild in spite of legal discrimination demonstrates the potential for peacebuilding policy to be successful and contribute towards the creation of a lasting peace. Clearly women in Rwanda demonstrate that they should be targeted for assistance and aid in the post-conflict era because of their capacity and willingness to rebuild in challenging circumstances. That being said, the fact that gender inequality can so easily be reconfigured in the post-conflict era makes the promotion of gender equality one of the obvious and most compelling points of entry for peacebuilding policy.

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[220] Legal inequality in the context of post-war reconstruction was the subject of an international meeting in Kigali, Rwanda in February 1998. Organized by UNIFEM, Habitat, UNHCR and the UNDP, the consultation brought together participants from war-torn countries in Arica, Asia and Latin America and the Caribbean to strategize on the promotion of women's rights to land and property. For more information see "Inter-regional Consultation Adopts Plan of Action to Promote Women's Rights to Land and Property in Situations of Conflict and Reconstruction", CHS/98/08, 23 February 1998, www.unhabitat.org/press/chr9808.htm. Another related initiative is the "Women for Peace Network" which was formed in Istanbul, Turkey in June 1996 during the second United Nations Conference on Human Settlements (Habitat II) by women from war-torn countries. The objective of the initiative is to strengthen peacebuilding activities with a view to protecting homes and communities in the conflict and post-conflict periods.

[221] United Nations Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, Addendum, Report of the mission to Rwanda on the issues of violence against women in situations of armed conflict. E/CN.4/1998/54,Add.1 4 February 1998.

SEXUAL VIOLENCE AND INTERNATIONAL HUMANITARIAN LAW

Despite the longstanding recognition that sexual violence is prevalent during times of armed conflict, up until recently there has been little international resolve nor action to address these issues in a meaningful way.[222] The existence of provisions in laws or instruments which deal with gender-based violence lead some to query the situation that despite the existence of a legal framework, very few violators are charged and subsequently prosecuted. On the one hand, one could argue that since the provisions exist, the problem must be a lack of political will to charge and prosecute individuals. Others suggest that this argument is accurate to an extent but is an incomplete explanation; and instead claim that the problem is more complex.[223] They argue that codification of crimes against women alone is insufficient and attention should also be focused on how women and crimes against them are constructed in international humanitarian law. They argue that existing provisions are inadequate and that embedded within the law of armed conflict is a "gender hierarchy"[224] that suggests that certain crimes are more egregious than others. In other words, there is a perception that the rules protecting women and the crimes committed against them are less important and contribute to their perception as secondary breaches.[225] Moreover, the ways in which women are depicted in international humanitarian law (IHL) and the provisions which are alleged to protect them inform how, and if, crimes of sexual violence in particular are investigated and how the courts are able to deal with them.

This section will first reiterate the argument that rape and sexual violence are weapons of war. This will include an examination of the various ways that sexual violence affects and impedes the ability of women and communities to rebuild. This will be followed by a brief examination of the history of how sexual violence including rape is articulated in international humanitarian law and how this impacts on the ability of international tribunals including the International Criminal Tribunal for Rwanda (ICTR) to be an effective mechanism of justice.

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[222] The Statute of the International Criminal Court represents a significant achievement in the push for gender-sensitivity in international humanitarian law. On July 17, 1998 the Statute of the ICC was adopted and will enter into force once it has been ratified by 60 States. The Statute recognizes rape, sexual slavery and other forms of sexual violence, including forced pregnancy, in defined circumstances as war crimes and crimes against humanity. Other provisions in the Statute ensure that the Court will have advisors on violence against women, and that the Court should contain some judges, prosecutors and other staff with legal expertise on violence against women. "The Prosecution of War Crimes Against Women: Two Important Advances", Women's Action Network News, Fall/Winter, 1998/99. pp. 1-5

[223] Judith Gardam, "Women and the Law of Armed Conflict: Why the Silence?", **International and Comparative Law Quarterly**, Volume 46, Part 1, January 1997. pp. 55-80.; UN DAW (1998), op. cit.

[224] Gardam op. cit

[225] Gardam op. cit

The remainder of this section will explore ways that international humanitarian law can be strengthened including focusing upon changing the construction of women in IHL. One possibility is to pursue a proposal that a new instrument be developed; specifically, a set of Guiding Principles on the Protection of Women and Girl Children dealing with all aspects of their experiences in armed conflict.[226]

Sexual Violence in International Humanitarian Law: A Feminist Critique

This section will provide an overview of the provisions on gender based crimes in international humanitarian law (IHL). It should be stressed that this section is by no means an exhaustive analysis of the issues, arguments or provisions.[227] Instead this section will focus on the provisions related specifically to the issue of sexual violence and examine the problematique of continuing violence against women during times of conflict despite the existence of these provisions. Examining international humanitarian law from a feminist perspective yields two conclusions; first, that the provisions themselves are inadequate, and second, entrenched within IHL is a gender hierarchy.

To determine the adequacy of the provisions it would be useful to examine the ways that "gender based crimes" and "women" are constructed in the Geneva Conventions. Embedded within the relevant provisions are ideas about women which locate them as vulnerable, weak and in need of protection. The way in which women are depicted in these provisions also indicates that they are valued according to expectations and ideals about their sexual integrity. Sexual violence is depicted in the Geneva Conventions as a *crime against a woman's honour*, rather than as a violation of bodily integrity or as a violation of the human rights of women. For example, Article 27 of the Fourth Geneva Convention (Relative to the Protection of Civilian Persons) reads as follows: "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault." This idea of impugning a woman's honour with the use of sexual violence is further elaborated in the 1977 First Additional Protocol. Article 76 (1) reads as follows: "Women shall be the object of

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[226] For more detail on this suggestion see Gardam op. cit.; In November 1997, Dr. Gardam visited DFAIT and introduced a project she is working on with Professor Hilary Charlesworth entitled "The Legal Protection of Women in Times of Armed Conflict". According to the presentation the ultimate goal of the project is to discuss a future legal instrument that may better serve women in situations of armed conflict. Since this time, Gardam and Charlesworth drafted a new treaty on women and armed conflict for discussion purposes at a September workshop in Canberra with representatives from DFAT, the ICRC, and the UNHCR, among others. They then developed "Guiding Principles" -a soft law document -that hopefully might be picked up by the ICRC or interested governments. These "Guiding Principles" have been circulated for comments and are now in final stages of revision. Personal communication, February 1999.

[227] For a good synopsis of the UN response to sexual violence including references in UN Security Council, ECOSOC and UNGA resolutions, see UNDAW (1998) op. cit. It also discusses the impact of the 1993 Vienna Conference on Human Rights which recognized violence against women as a human rights issue.

special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault."

Another aspect of the inadequacy of the provisions is the fact that women are usually defined in a relational manner. Instead of understanding and codifying women as fully autonomous agents, legal discourse in IHL defines women in terms of their relations to other people. Therefore, in these provisions women are either mothers, wives, sexual objects or pregnant women. For example in Articles 76 (2) and (3) of the 1997 Protocol 1, "pregnant women and mothers having dependent infants" are identified as individuals who should receive special consideration. A more nuanced reading of the provisions relevant to women in IHL also suggests that perhaps the objective is not to protect women *per se*, but to protect them as mothers. It is interesting to note that of the 34 provisions in the Geneva Conventions regarding women, 19 of these are really intended to protect children.[228] Moreover, the provisions reveal that the thrust is to protect women rather than to prohibit the crimes that are committed against them.[229] Women need to be considered as fully autonomous agents in the Geneva Conventions, rather than just as mothers or pregnant women. Moreover, crimes against them should be considered as violations of their human rights rather than as attacks on their honour, integrity or dignity.

The problem with the way in which women are depicted in the Geneva Conventions is that they fail to account for how women experience armed conflict. The Geneva Conventions are restricted to crimes against women in the sexual and reproductive spheres of their lives, when armed conflict impacts *inter alia* women's economic rights, political rights, health including psychological health. Moreover, the treatment of women only as mothers, pregnant women and wives effectively limits how women should be considered by IHL and instruments like the ICTR. These limitations on what qualifies as a woman's experience constitutes a real barrier to the improvement of women's status with the body of international humanitarian law, their ability to seek redress and for all crimes against women to be understood as violations of international humanitarian law, including for example slavery.

Gender Hierarchy in IHL

The second conclusion of a feminist critique is that there is an explicit gender hierarchy in IHL.[230] This gender hierarchy operates in two ways. First, the rules that pertain to women in IHL are regarded as less important than others; and second the infringement of these rules is considered as less serious. This argument holds that gender specific crimes are considered as lesser crimes in comparison to other crimes. For example, in the Geneva Conventions and Additional Protocol I, sexual violence is not specifically designated as a grave breach. The

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[228] Gardam, op. cit. pp. 57

[229] Gardam, op. cit. Pp.

[230] This conclusion is elaborated in Gardam op. cit.

designation of a crime as a 'grave breach' carries a great deal of weight because it confers obligations on the State. By designating a crime as a 'grave breach' States are then obliged to search for persons who are alleged to have committed them, and if found within their territory to either try them in their national courts or extradite them for prosecution.[231] While some argue that sexual violence is effectively considered a grave breach by virtue of Article 147 of the Fourth Geneva Convention, the failure to explicitly recognize it as such has in many minds "accorded [it] a secondary status in international law, and presents a significant obstacle to improved enforcement of the existing provisions."[232]

The case of Rwanda is indicative of the extent to which a gender hierarchy in IHL is reflected in the work of the UN and the ICTR. The next section will explore the ways in which the consideration of sexual violence as a lesser crime has informed the work of the ICTR and that specific interventions by women's organizations were necessary to address gender bias in the ICTR. In concrete terms, sexual violence as a lesser breach has had an impact on the way in which crimes of sexual violence were investigated, criminals were indicted and how and whether the ICTR was able to issue judgments on sexual violence.

The War Crimes Tribunal for Rwanda

In November 1994, the UN created an ad hoc tribunal to prosecute suspected war criminals from the Rwandan conflict. The Statute of the Rwandan Tribunal provided the scope for the investigation of sexual violence, including the identification of rape as a crime against humanity as well as an extremely progressive approach to other forms of sexual violence. Specifically, the Rwanda Statue refers to "rape, enforced prostitution and indecent assault" as violations of Common Article 3 of the 1949 Geneva Conventions and Additional Protocol II. Although the Statute did provide the authority to investigate, it was only in August 1997 that the first indictment including violations specific to sexual violence was delivered.

The case of Jean-Paul Akayesu is illustrative of the problems in investigating rape and sexual violence in Rwanda. The initial indictment of Akayesu, who was the mayor of Taba, did not include sexual violence. The witnesses were not asked about it by the investigators and its exclusion from the indictment meant that the defense did not have to cross-examine. It was only as the women testified to other violations that they began to offer evidence of rape and other forms of sexual violence. Due to international NGO pressure and the filing of an *amicus curiae* by the International Coalition on Women's Human Rights in Conflict Situations urging that all indictments be amended to include rape and other forms of sexual violence, that the indictments against Akayesu were amended. It should be noted that Akayesu was not alleged to have

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[231] UN DAW (1998), op. cit.

[232] Gardam and Charlesworth, "Legal Protection of Women in Situations of Armed Conflict", project proposal, June 1997.

committed the acts of sexual violence himself but is responsible for the acts committed by others by virtue of his presence and that while in a position of authority he failed to prevent it.[233]

On a positive note, Akayesu was recently found guilty on nine counts of genocide, crimes against humanity and war crimes.[234] These judgments have historical resonances as well since Akayesu is the first person to be convicted by an international tribunal for sexual violence and the judgment was the first time that rape was deemed to be an act of genocide.[235] Also, in their judgment of Akayesu, the judges defined rape and sexual violence for the first time in international law. Rape was defined as "a physical invasion of a sexual nature, committed under circumstances which are coercive." and sexual violence "includes rape, is considered to be any act of a sexual nature which is committed on a person under circumstances which are coercive."[236]

The improvements in codification and interpretation of gender-based violations at the level of the Tribunal were not paralleled elsewhere, particularly when it came to investigating violations of IHL. There were no references to sexual violence made by the Security Council nor by the Commission of Experts in its Preliminary Report on violations of IHL.[237] In the case of Rwanda, the investigation of sexual violence was at best flawed, if not irresponsible. Despite wide spread evidence of rape on a massive scale, the will and ability to investigate was minimal and poorly planned.[238] Moreover, there are widespread reports that the investigators themselves were indifferent to women's reluctance to report and were also reputed to be insensitive to the crimes. As a result, only in 1997, nearly three years after the genocide, was the ICTR finally able to issue indictments on rape and sexual violence.

One explanation that investigators used to explain the poor record of charges in the area of sexual violence is the claim that African women have cultural inhibitions about giving testimony in this area. The first deputy prosecutor is reputed to have said that it was a waste of time to investigate rape because African women do not like to talk about it.[239] In her report for Human Rights

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[233] UN DAW (1998), op. cit.

[234] On 2 September 1998, the ICTR found Akayesu guilty on nine counts of genocide. "U.N. tribunal finds Rwandan mayor guilty of genocide", 02 September 1998. CBC/Newsworld. Internet edition.

[235] "The Prosecution of War Crimes Against Women: Two Important Advances", Women's Action Network News, Fall/Winter, 1998/99. P. 5

[236] "The Prosecution of War Crimes Against Women: Two Important Advances", Women's Action Network News, Fall/Winter, 1998/99. P. 5

[237] UN DAW (1998)

[238] In the United Nations Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, Addendum, Report of the mission to Rwanda on the issues of violence against women in situations of armed conflict. E/CN.4/1998/54,Add.1 4 February 1998, the Deputy Prosecutor acknowledged that the Office of the Prosecutor has not "been pro-active on the issue of rape."

[239] Nowrojee quoted in Goodwin, Jan "Rwanda: Justice Denied", **OTI Online**, located at http://ww.echonyc.com/~onissues/f97rwanda.html

Watch (HRW), Binaifer Nowrojee disputes this claim as fallacious. Nowrojee argues that giving rape testimony under any circumstance is difficult, but there are conditions which make the process more effective. Experience has shown that women respond better when the investigators (and translators) are women, they have experience in eliciting this testimony and are sensitive to the issue. None of these criteria were met by the initial investigative teams sent into Rwanda. In fact it should be stressed that in the case of Rwanda the investigators acted particularly poorly. Nowrojee states that the teams were all men who were alleged to have shown up at a site and asked "Has anyone here been raped?" Investigators received no gender sensitivity training nor any training in gathering gender-violence testimony.[240] Human Rights Watch lawyer Binaifer Nowrojee explicitly links the ICTR's poor record on gender based crimes to the initial UN investigation teams. As Nowrojee points out, it would be difficult in the West to have conducted research according to this methodology but in Rwanda where there is a strong stigma attached to sexual assault, and it is no wonder that no women came forward under those circumstances. Therefore, it is not surprising that despite the progressive approach in the Statute, indictments were less than forthcoming.

A partial explanation for the poor investigation of crimes against women during the genocide is linked to Gardam's claim that crimes against women are taken less seriously. According to Nowrojee a partial explanation for the poor investigation of rape was a belief pervasive in the United Nations and the international community that rape is not a crime of genocide, and that investigators should focus on killings or genocide crimes, not what they consider 'crimes against humanity'.[241]

Nowrojee states

> They [U.N. investigators] think they should be concentrating on the killings or genocide crimes. These are crimes against humanity, and their opinion is, rape, well, rape is, you know, unfortunate, and sad, but too bad. It's not really an international crime.[242]

One can only wonder how many original indictments would have included sexual violence had the investigators been compelled to investigate it as an issue of equal import. One way to address the unequal treatment of crimes of against women is to continue with changes in data collection; specialized training for investigators, prosecutors and judges; and special provisions for women victims. An additional area is to reconsider the principles which guide the behaviour of the international actors in situations of armed conflict and the application of international humanitarian law. Taking the gender-differentiated experiences of armed conflict as the starting

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[240] Goodwin, op. cit

[241] Goodwin, op. cit.

[242] Nowrojee quoted in Goodwin, op. cit.

point, a set of Guiding Principles on the situation of women in armed conflict could be a useful tool in addressing all the impacts of armed conflict on women, not just those of sexual violence. These Guiding Principles could address some of the gaps in IHL pertaining to women, and could also address the flawed nature in which they are considered in the Geneva Conventions. The Guiding Principles could provide guidance to a wide range of actors including states, non-state actors, humanitarian agencies, and actors within the UN system on the situation of women in armed conflict, their needs and experiences.[243] ,

Conclusion

The general critiques of the ICTR are well known. It is slow, with court hearings beginning almost three years after its establishment in 1994; the problems of its location and logistical difficulties; absence of proper security for judges or witnesses; and a lack of funds which means that the ICTR and the ICTY share the same Chief Prosecutor and Appeals Court. These are all problems that can be remedied in the short term if not immediately. These are also primarily problems of efficiency which can be addressed through greater financial and resource commitment. Of course the succesful prosecution of war criminal is also an issue of international will.

A gender critique of IHL, the ICTR and UN investigative teams suggests that these responses will be insufficient. Certainly by requiring that all UN investigators of gender-based crimes undergo mandatory sensitization training, and that women staff some of these positions will address some of the problems. The provision of proper protection and counselling services to rape victims so that they can testify and so that they can continue with their lives is another important part of the solution. These are all lessons that can be adopted by the UN rather quickly and implemented in an effective manner.

A more fundamental project is also necessary; one which facilitates critical thinking about how women and crimes against women, including sexual violence are codified in international humanitarian law and how legal discourse informs the way we think about the role of women in times of armed conflict. The real challenge is in understanding how inequality which is rooted and firmly entrenched within these provisions informs the way that violence against women, among other things, is understood by members of the international community. Part of this rethinking should include debunking the myth that gender based crimes are *only* unfortunate phenomena of war. They need to be understood as deliberate strategies used to destroy women and populations. Second, crimes against civilians, including crimes of violence against women during times of conflict needs to be placed on the international agenda and in international humanitarian law on an equal footing with crimes against combatants.

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[243] Judith Gardam, "Draft Guiding Principles on the Protection of Women and Girl Children in Times of Armed Conflict", Unpublished, June 1999.

Another issue that consistently emerges is the issue of justice. Despite an ominous beginning the ICTR is demonstrating some promise in its ability to address crimes involving sexual violence. Therefore, as international humanitarian law becomes a more useful and relied upon tool for women it should be subjected to some scrutiny in the peacebuilding community. If women do not receive justice or crimes against them are committed with impunity, then above and beyond the continued violations of their human rights, women will not be effective agents of peacebuilding. A serious rethinking of IHL, one that takes women's gender-differentiated experiences of armed conflict as the starting point is a first step towards ending impunity for violators of women's human rights and constructing a legal regime that will benefit women and represent their needs, experiences and responses to situations of armed conflict.

Policy Recommendations

There are some concrete policy recommendations that can be drawn from this research. Some of these recommendations refer to initiatives or policies that are already under development, but may not integrate a gender perspective. Other recommendations remain at the conceptual level and should be considered as areas in which the Department of Foreign Affairs and the Peacebuilding and Human Security Division should conduct further research. Finally, other recommendations are concrete programs that the Peacebuilding and Human Security Division and its partner divisions and agencies can develop almost immediately.

Canada should:

- Consider promoting private sector initiatives, *inter alia*, a gender-sensitive "Corporate Code of Conduct", to assist in post-conflict reconstruction. These initiatives should integrate a gender perspective and work to promote and protect the human rights of women. Bearing in mind that women are generally the most economically vulnerable due to the gendered barriers which have limited their access to education and training, and the increased responsibilities in the home that women in post-conflict situations generally experience, peacebuilding policy should engage the private sector who enter nascent and rebuilding economies and prevent economic reconstruction based upon gender inequality.

- Make the curriculum from the Joint Canada-UK Gender Sensitization Initiative for Civilian and Military Peace Operations available to all nations contributing to United Nations (UN) peace operations. This could be done through the provision of the curriculum to the UN Department for Peacekeeping Operations (DPKO) and/or to other regional organizations including for example the OSCE.

- Support other initiatives to address the issue of gender awareness of peacekeeping among UN Staff, particularly at the leadership level, including training sessions for the Special Representatives of the Secretary-General.

- Promote the creation of a permanent Community Relations department as a regular part of UN peace support missions; and work to ensure that there are qualified and trained staff to deal specifically with cases of gender-based violence and women's human rights. Consider working with DPKO to ensure that standards of proof in instances of sexual violence are culturally sensitive and known to relevant UN peace operations personnel.

- Promote the task of disseminating literature in host community on gender issues,

including women's human rights, and gender dimensions of peace operations. This literature should also include information about complaints mechanisms available to the public.

- Consider initiating a forum that focuses on the organization and staffing of peace operations from a gendered perspective. This forum could explore questions surrounding increasing women's participation in peace operations, the impact of gender awareness training on peace operations personnel, the impact of staffing peace operations with military personnel on host populations, and exploring the idea of staffing peace operations with personnel other than the military to participate in post-conflict rehabilitation activities, like the building of schools and infrastructure.

- Work to strengthen international humanitarian law and human rights law instruments from a gender perspective. Promote the development of an international humanitarian law initiative which will work to address some of the gaps in current conventions.

- Work to develop a series of tools *inter alia*, tip sheets, basic information sessions, which can provide guidance to relevant actors about the gendered impacts and experiences of armed conflict and peacebuilding. These tools could be disseminated within DFAIT, shared with relevant OGDs, partner governments, humanitarian agencies and UN bodies, including the Security Council. Particular attention should be granted to the idea of developing a tool specific to the integration of a gender perspective into Security Council resolutions, including peacekeeping mandates.

- Under the Lysoen Partnership provide for a series of consultations, virtual and in the field, with civil society representatives, including NGOs and activists from the South on the subject of gender and peacebuilding. Consider sharing this information with like-minded governments and interested agencies in the North to contribute to the achievement of a critical mass which is vital in order to move forward on the gender and peacebuilding file. Giving partners access to a plurality of voices from the field is one step in addressing the problems associated with heeding only voices which are accessible via traditional methods of information gathering.

- Work to promote awareness about the gender indicators of early warning in situations of armed conflict, *inter alia*, gendered hate propaganda, and increased violence against women.

- Develop a series of short briefs from a gender perspective on the range of issues that fall within the purview of the Peacebuilding and Human Security Division. These briefs could inform divisional members about the gender issues within the scope of their work, and provide them with tools to on how to apply gender-based analysis.

- Promote with partners, *inter alia*, other governments, international organizations, and NGOs legal reform that is gender sensitive and respects women's human rights. Encourage post-conflict countries to eliminate laws which discriminate against women, *inter alia*, laws regarding ownership of land and property rights. Promote the idea of eliminating laws which discriminate against women: in international fora as a criteria for receiving post-conflict assistance and aid, and in bilateral relations as an easy way to meet commitments made under the Beijing Platform for Action.

- Develop a program that will ensure that all peace processes include a gender based analysis. For example, ensure that peace process agreements which discuss legal and land reform, DDR programs, among other issues have specific gender components. This can be done through the development and funding of training programs for women's organizations and activists, politicians and community leaders to promote their engagement in formal peace negotiations. Work with bilateral partners to develop ways to promote the inclusion of these actors in formal peace negotiations.

- Promote the increased participation of women in peace negotiations through funding women's organizations and networks and workshops designed to address barriers to their participation in peace negotiations, including training programs and skills development in programs such as legal literacy .

- Promote the integration of a gender perspective in peace negotiations through the funding the participation of gender experts in peace negotiations.

- Develop the idea of providing reintegration assistance in the post-conflict area to include victims of violence, as well as ex-combatants. Promote the idea of providing compensation to women who are victims of violence in situations of armed conflict, *inter alia*, for loss of and/or damages to property, and violations of women's human rights including sexual violence.

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