

**Women and the Peace and Reconciliation
Process in Bosnia and Rwanda:
Theoretical Underpinnings and Practical
Application**

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Final Copy-Independent Study Project

Submitted as part of the requirement for Honors in
the Politics Department

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*Blessed are the peacemakers: for they shall be called the
children of God.*

Matthew 5:9

"Beloved, do not die. Do not dare die! I, the survivor, I wrap
you in words so that the future inherits you. I snatch you
from the death of forgetfulness. I tell your story, complete
your ending—you who once whispered beside me in the
dark."

-Antjie Krog

*Country of My Skull: Guilt, Sorrow, and the Limits of
Forgiveness in the New South Africa*

Acknowledgments

This project was originally planned as a research paper for Professor Toloudis' seminar on social movements in the Fall of 2008. Realizing the scope was simply too great for a one semester project, I set it aside in favor of another. At the time, I hoped to return to it and am grateful that I have had the opportunity.

But in reality this project was born long ago, when I first read Anne Frank's diary. It was the first time I understood what it meant to be targeted--hunted, really--simply for existing. I remember, very clearly, turning the last page of the diary to read the epilogue; the sinking feeling of knowing that Anne's life was snuffed into non-existence. It was also the first time I contemplated what it must mean to hate someone so completely as to deny their humanity—a feeling, an ideology, that I have tried since to understand. I realize now that there is no rational reason for that level of hatred and found the quest for an answer emotionally exhausting. There is far more hope in dreaming of reconciliation and peace than in mucking about in the trenches of hate.

I would like to express my deepest gratitude to Professor Nicholas Toloudis for his dedication and patience. He pushed my intellectual boundaries and always placed an abundance—possibly an

overabundance—of faith in my abilities. I would also like to thank Professor Jon Western for letting me pick his brain this past semester. His expertise has been invaluable and I have greatly enjoyed the time he always so kindly spared for me. I also thank Professor Elizabeth Markovits for her contributions.

I also thank my friends for their continuous support and patience. This project, though truly held in my heart, does have its downsides; it is easy, when dealing constantly with all that is wrong with the world to lose hope. However, I have constantly found hope in my mother, my friends, and the women I write about and yet have never met. I can claim solidarity with the women I write about, but I can't truly understand their experiences. Having never been a victim of sexual violence, I can only stand from afar and do the little that I can to help. I may stomp my feet, raise my voice or wave a sign, but everyday the women of Rwanda and Bosnia-Herzegovina speak for themselves with actions stronger than any I could ever take. I sit in the peaceful, beautiful Mount Holyoke library and I know I (life willing) will never know the fear wrought by these experiences or ever have the strength from surviving them—of trying to live with them. But these brave women—who muster the courage to not only continue their lives but to strive for more—have let me hold onto that flame of hope. This project is meaningful to me not only because I believe it is relevant and just,

but because I recognize the force of the women in my own life; so often when I am afraid, feeling alone and weak, they have strengthened me and led me by the hand into the day. The light that I—and so many others—hold onto flickers in the wind but it will never go out.

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Part One

There is little glory in the peace process. It is often stop and go, pitted with numerous failures, false starts and seemingly insurmountable obstacles. Many times, those who do the most work get overlooked when the limelight is focused, as for example, happened with the Oslo Accords. Those who are then credited are the leaders—those intermediaries who brought the conflicting parties together and the belligerents brave enough to enter peace talks. Overlooked are the underlings—the people who were the ones with the real work to do.

This thesis does not attempt to be all-inclusive; simply by the nature of the topic one can assume some event, person or group has been overlooked or has been omitted. The “peace process” as an idea has a long history. The focus of this paper is not primarily on the process of making peace “in name only” (read: signed treaties and/or agreements) but on “actual peace.” This in itself is difficult as peace is often discussed in the abstract. However, the central theme in this thesis is that “actual peace” cannot only be felt by inclusion or cohesive government and politics, but in everyday life—the dissipation of fear (over time) in the individual, who is then able to go about daily life unhindered.

In societies recovering from ethnic conflict and genocide (two very different violent outlets, for the lack of a better term, the “ethnification” of a society) the way people go about their daily lives is a barometer that gauges the success of the peace and reconciliation process. This paper will focus on the role of women in the reconciliation process after the occurrence of ethnic violence (Bosnia) and genocide (Rwanda). The rationale for this undertaking is as follows.

The Holocaust and colonial attempts to ethnically cleanse indigenous peoples (such as occurred in the United States and Australia) were systemic and hierarchical state-mandated policies to obliterate certain peoples for various purposes. Though also systemic and state-mandated, Rwanda and Bosnia are instances of massacres perpetrated by those in close proximity and in close relationship to the victims. The nature of the genocide committed against Rwandan Tutsi's and Bosnian Muslims makes these particular cases of ethnic cleansing deeply personal. "[G]iven the right circumstances most people have the capacity for extreme violence and the destruction of human life...Over the centuries much destructive conduct has been perpetuated by ordinary, decent people in the name of righteous ideologies, religious principles, and nationalist imperatives...it requires

conducive social conditions rather than monstrous people to produce heinous deeds."¹

Throughout history, sexual violence towards women has been a weapon of war. However, it has taken until the ethnic conflicts of the 1990s for international law and the world at large to recognize that the abhorrent levels of violence towards women during and after violent crises are a specific problem that needs to be addressed. The International Criminal Tribunal-Yugoslavia (ICTY) and the International Criminal Tribunal-Rwanda (ICTR) changed the way the crime of rape was defined. Rather than seen as a crime against family honor, rape in international law is properly viewed as a crime against a woman and her autonomy.² One aspect in which the killings in these countries were different from previous forms of ethnic cleansing was the use of rape as an integral part of the process. Mass-rape breaks down the social order by destroying "parent-child and spousal bonds" and by rendering "large numbers of the society's child-bearing women contaminated and thus unmarriageable."³ In Rwanda, rapes committed during the 1994 genocide helped further spread the AIDS virus. Because women were specifically targeted in very different ways from

¹Anthony Oberschall. Conflict and Peace Building in Divided Societies: Responses to ethnic violence. (New York: Routledge, 2007)18 This is the "ordinary man thesis"

²Pankhurst, Donna, ed. Gendered Peace: Women's Struggles for Post-War Justice and Reconciliation. (New York: Routledge, 2008) 42

³Lynda E. Boose "Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory." Signs 28 (Autumn, 2002): 73

male victims, their role in the reconciliation process which followed was unique and worthy of study. (This is not to say that sexual violence did not occur to men. Lynda E. Boose, in her article "Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement and Serb Cultural Memory," clearly delineates the difference between sexual violence targeted at men versus women. However, due to the systemic nature of the sexual violence targeted at women coupled with the lack of female participation in the rebuilding of society after conflict, this paper focuses solely on women and their experiences.)

Women as a constituency are often not included in the peace process, leaving many of their specific needs as victims and survivors ignored. Consequently, women are at a greater disadvantage after war/genocide in regards to political and economic autonomy. "Women tend to predominate in the most stigmatized and disadvantaged groups: rape survivors, orphans, disabled people, and widows (who may constitute up to 30 per cent of a post-war population). They generally tend to be the least well-trained and educated whether in urban or rural areas, and have specific health needs that are overlooked."⁴ A state's desire to move past horrific violence can lead to a desire to "return" to the way of life perceived to have been lost during the violence. This "yesterday" often involves the loss of rights and

⁴ Pankhurst, Gendered Peace, 18

power as women are “forced ‘back’ into kitchens and fields, even if they were not so occupied before the war.”⁵ Not surprisingly, this imagined past also has negative consequences for women and their involvement in the peace-making process. Donna Pankhurst, in *Gendered Peace: Women’s Struggles for Post-War Justice and Reconciliation*, quotes a Kosovar woman on the peace process:

“...the international community cared only about Kosovar women when they were being raped...What we see here [in the peace process] are men, men, men from Europe and America...listening to men, men, men from Kosovo...when it comes to real involvement in the planning for the future of this country, our men tell the foreign men to ignore our ideas. And they are happy to do so-under the notion of ‘cultural sensitivity’. Why is it politically incorrect to ignore the concerns of Serbs or other minorities, but ‘culturally sensitive’ to ignore the concerns of women?”⁶

What follows are histories of the ethnic conflicts in Rwanda and Bosnia in the early- to mid-1990s with a particular focus on the process of ethnification included are the various arguments of causation, a history of sexual violence in international law, and an analysis of the

⁵ Pankhurst, *Gendered Peace*, 4

⁶ Pankhurst, *Gendered Peace*, 5

theories of ethnicity. The emphasis of this work, however, is on the role of women in the peace, reconciliation and rebuilding processes. What do women want? How do they go about getting it? How have women announced their needs and concerns to the international community? The goal is an understanding of the “bigger picture” of women’s involvement in the various aspects of the peace process.

Sadly, there exists a wealth of potential case studies from which to choose. What works with Bosnia and Rwanda as case studies (and what is lacking in other similar cases) is, simply, the passage of time. There has been some level of consensus in regards to the historical record on the “who, what, where and when” of these particular cases and work on resolution is ongoing (i.e. criminal tribunals), as well. Bosnia and Rwanda are particularly good case studies for this kind of project because of these similarities.

Beyond my personal interest and passion, understanding women’s role(s) in post-genocidal communities has a broader significance and offers important lessons for “the bigger picture”. The more we understand the way in which women in post-conflict societies organize themselves and utilize the resources available to them (whether these resources are indigenous or produced externally) the more we can give support to them in their goals. By investing in women, we are investing in their children and their futures, as well as

in the future of their states. And, as Swanee Hunt notes in her book *This Is Not Our War*, “it is precisely because this was *not* their [women’s] war that they should shape the peace.”⁷

NOTE:

Word choice--particularly that of names of places--can be a contentious issue. In this paper I use “Kosovo”—the name used by Serbians—over the Albanian “Kosova” not as a political statement but as the term recognized by most American readers.⁸

“It took work to turn difference and inequality into group boundaries,
into ethnicity.”⁹

The Story of Rwanda

Historically, Rwanda has been occupied by two ethnic groups--the Hutu and Tutsi (a third group, the Twa, account for a small minority forming less than 1 percent of the population¹⁰). After signing treaties with chiefs in the Tanganyika region in the years 1884 and 1885, Germany claimed Tanganyika, Rwanda and Burundi as its territories. The Germans had few resources placed in the region and didn’t have missionaries in the area until the late 1890s. Nevertheless, by 1911 the

⁷ Swanee Hunt, This Was Not Our War: Bosnian Women Reclaiming Peace. (Durham: Duke University Press, 2004) XXVI

⁸ Boose, “Crossing the River Drina,” 77

⁹ Frederick Cooper, Africa Since 1940: The Past and Present. (Cambridge: Cambridge University Press, 2002) 7

¹⁰ Central Intelligence Agency. World Factbook: Rwanda. 1 December 2009 <https://www.cia.gov/library/publications/the-world-factbook/geos/rw.html>

Germans aided Tutsi's in putting down a rebellion of Hutu in northern Rwanda.

Rwanda was originally colonized by the Germans at the end of the nineteenth century. Belgium gained control over the territory after Germany was stripped of its colonies as punishment for being an aggressor in the First World War. Belgian colonial officials perceived a racial difference between Hutu and Tutsi; this was due in part to the hierarchical nature of Victorian racial attitudes, that caused colonialists to see Tutsi as “natural aristocrats, as less ‘African’ than the Hutu.”¹¹ Most Europeans held racial attitudes such as these as they were common to the era.

As the Belgians gradually began to take control of Rwanda, they accepted the class system already in place— a minority Tutsi upper class and lower classes of Hutus and Tutsi commoners. In 1926 the Belgians abolished the local posts, stripping Hutus of their limited local power over the land. Also, in the 1920s, the Belgians aided the Tutsi in their efforts to bring the northwest Hutu kingdoms (which had maintained local control of land) under the Tutsi royalty's central control. These two actions disenfranchised the Hutu. Large, centralized land holdings were then divided into smaller chiefdoms. It was the Belgians who decreed that only Tutsis should be officials,

¹¹ Cooper, Africa Since 1940, 7

monopolizing "public life not just for the 1920s and 1930s, but for the next generation as well."¹²

The far more complicated history entwines a number of elements; "a history of inequality of power and wealth in the pre-colonial kingdom, of the ethnification of difference under colonial rule, of growing tension as the possibility of African autonomy became clear, of Belgian indifference to anti-Tutsi violence as a Hutu-led government came to power."¹³ Hutu violence towards Tutsis in the in the 1970s was, in part, a reaction to the privileged positions that Belgian colonial authorities had placed Tutsis in the colonial period.

But these divisions between Hutu and Tutsi were not always strict. The words "Tutsi" and "Hutu" only began to take root as the "Rwandan state grew in strength and sophistication, the governing elite became more clearly defined and its members...began to think of themselves as superior to ordinary people."¹⁴ Although not common, intermarriage did occur but this practice became rarer in the late nineteenth and early twentieth centuries "as the gap widened between Tutsi elite and Hutu commoners, but rose again after Tutsi lost power in the 1959 revolution."¹⁵ The rise in intermarriage in the decades

¹²Allison Des Forges. "Leave none to tell the story": Genocide in Rwanda. (USA: Human Rights Watch, March 1999) 35

¹³ Cooper, Africa Since 1949, 191

¹⁴ Des Forges, "Leave none to tell," 32

¹⁵ Des Forges, "Leave none to tell...", 33

preceding the genocide made it harder to “distinguish” Hutu from Tutsi during the frenzied violence of Spring, 1994.

By attempting to solidify the difference between Hutu and Tutsi, European colonialists were simply—and, for the future, disastrously—projecting their own racial attitudes onto Rwanda society. "They [Europeans] believed Tutsi, Hutu and Twa were three distinct, long-existent and internally coherent blocks of people...the Europeans were...certain that the Tutsi were superior to the Hutu...just as they [Europeans] knew themselves to be superior to all three."¹⁶ These racial arguments would appear in contemporary Rwandan history, though under a different guise—that of "Hutu Power."

On April 6th, 1994, decades of political and social tension came to a head as Rwandan president Juvenal Habyarimana's Falcon jet was shot out of the sky. As happened in Bosnia, the first to die were those with political power and influence—intellectuals, moderate leaders, native human rights workers—starting with the Prime Minister, Agathe Uwilingiyimana. Radio Rwanda urged neighbors to kill neighbors, often offering up targets by name. During this time, even though the world was fully aware of the massacre occurring in Rwanda, no Western power attempted to jam the hate radio station nor was the

¹⁶ Des Forges, "Leave none to tell...", 36

Rwandan government's ambassador expelled from the UN.¹⁷ By the end of the 100-day massacre 800,000 Tutsi—those designated by Hutu extremists as *inyenzi* (cockroaches)—had been killed. "The Rwandan genocide [proved] to be the fastest, most efficient killing spree of the twentieth century."¹⁸

A Brief Overview of the Balkans:

"We all felt like Jews in the Third Reich"¹⁹

Bosnia-Herzegovina arose out of the ashes of "the wars of Yugoslav succession, which devastated the region in the 1990s."²⁰ The major ethnic groups in the region were the Bosniaks (Muslims 43%), Bosnian Croats (Roman Catholics 18%) and Bosnian Serbs (Orthodox Christians 35%) with the Bosnian War in the early 1990s generally fought along these ethnic lines.²¹

The state of Yugoslavia was born from the conglomeration of states created at the end of the First World War, though it was originally formed as a monarchical state²². In 1945, Yugoslavia

¹⁷ Samantha Power, A Problem from Hell: America and the Age of Genocide. (New York: Harper Perennial, 2002) 335

¹⁸ Power, A Problem from Hell, 334

¹⁹ This quote comes from an unnamed Muslim student and was originally quoted by Roy Gutman, who won a Pulitzer Prize for his work on Serb detention camps in Bosnia (Power, A Problem from Hell, 271-2)

²⁰ Joanna R Quinn, ed. Reconciliation(s): Transitional Justice in Postconflict Societies. (London, Ithaca: McGill-Queen's University Press, 2009) 209

²¹ Quinn, Reconciliation(s), 209 Statistics from Power, A Problem from Hell, 247

²² The official use of "Yugoslavia" did not occur until 1929. Yugoslavia means "Land of the South Slavs" (Hunt, xxxiii)

became a socialist state under Marshal Tito. It was composed of six republics (Serbia, Croatia, Bosnia and Herzegovina, Macedonia, Slovenia, Montenegro) and two autonomous regions or provinces (Kosovo and Vojvodina) within Serbia.²³ This state had a strong central government, which was "reinforced by strong one-party rule under the League of Communists of Yugoslavia and the repression of nationalist and political dissent."²⁴

The Yugoslavian state moved towards decentralization in the 1970s, and by the 1980s "nationalist tensions increased and federal authority weakened in the face of the increasing assertiveness of the republics."²⁵ With the end of one-party rule in the 1990s and with the success of nationalist parties in multi-party elections (which took place in all six republics), demands for independence within Croatia and Slovenia grew. For Muslims and Croats, staying connected meant oppression under Slobodan Milosevic although separation meant Muslims would have to rely on the international community for protection.²⁶ Serbia, in response to these demands, warned Croatia and Slovenia that if there were any changes in the "state's international borders, Serbia would seek to change internal borders in order to

²³ Hunt, This Was Not Our War, xxxiii

²⁴ Amnesty International. Bosnia-Herzegovina: Gross abuses of basic human rights. (New York: October 1992), 3

²⁵ Amnesty-1992, 3

²⁶ Power, A Problem from Hell, 248

safeguard the large Serbian communities in Croatia and Bosnia-Herzegovina."²⁷

The killings began as soon as Bosnia seceded from Yugoslavia, beginning with intellectuals, musicians, and professionals whose names had been compiled on lists prior to secession by Bosnian Serb police.²⁸ "As refugees poured into neighboring states, it was tempting to see them as byproducts of war, but...the purging of non-Serbs was not only an explicit war aim of Serb nationalists; it was their primary aim."²⁹

The term "ethnic cleansing" was used to describe what was happening at the time and it is a phrase that has continual use in the Bosnia-Herzegovina (BiH) context. "It [ethnic cleansing] was defined as the elimination of an ethnic group from territory controlled by another ethnic group."³⁰

Samantha Power describes the violence best:

Serb gunmen knew that their violent deportation and killing campaign would not be enough to ensure the lasting achievement of ethnic purity. The armed marauders sought to sever permanently the bond

²⁷ Amnesty-1992, 4

²⁸ Power, A Problem from Hell, 249

²⁹ Power, A Problem from Hell, 251

³⁰ Power, A Problem from Hell, 250

between citizens and land. Thus, they forced fathers to castrate their sons or molest their daughters; they humiliated and raped (often impregnating) young women. There was a deliberate policy of destruction and degradation: destruction so this avowed enemy race would have no homes to which to return; degradation so the former inhabitants would not stand tall--and thus would not dare again stand--in Serb-held territory.³¹

Western journalists supplied the world with a stream of graphic coverage of the brutal carnage. The US government stood by as the ethnic cleansing swept the Balkans.

In the spring of 1993, the Srebrenica enclave--home to 40,000 Muslims--was declared a "safe" haven protected by lightly armed UN peacekeepers.³² On July 11th, 1995, a full three years into the Bosnian war, Bosnian Serbs entered Srebrenica, overrunning the weak UN defenses comprised of 600 Dutch soldiers. As the city was under siege by Bosnian Serbs, the leader of the Serb forces Mladic, ordered the separation of men and male-children from the women. In the end, Serb forces slaughtered 7,000 Muslims, "the largest massacre in Europe in fifty years" and the "gravest single act of genocide in the Bosnian

³¹ Power, A Problem from Hell, 251

³² Power, A Problem from Hell, 392

war".³³ NATO airforces followed the massacre of Srebrenica with a three week bombing campaign against Bosnian Serbs, contributing to the end of the war.

The 1995 Dayton Peace Agreement ended the three-and-a-half year war.³⁴ By the end of the war, it was estimated that over 200,000 people had been killed and nearly 2 million people displaced from their homes in the attempts to create homogenous, ethnically pure mini-states.³⁵ The atrocities committed were evocative of the Holocaust—death camps replete with photos of emaciated, skeletal bodies of the barely living, humiliation and degradation on a mass scale, lists of the targeted. And for most of it, the world stood by and let it happen.

These brief histories provide a basic overview of the historical factors that lead to the outbreak of ethnic cleansing/genocide in Rwandan and Bosnia. Although far from complete, they offer some critical insight for understanding the complexities of the peace process. The role of history, such a central aspect of the development of culture and identity, is necessary to see the dots connect from war to peace.

³³ Power, A Problem from Hell, 392-3

³⁴ Quinn, Reconciliation(s), 209

³⁵ Power, A Problem from Hell, 251

Ethnicity and Ethnic Cleansing

The rationales or justifications for ethnic cleansing cannot be swept aside or forgotten in the post-war society with the wave of a magic wand. It is essential to comprehend the role of ethnicity in both individual identity and violence. To understand the process of peace and reconciliation, one must first have a firm grasp the roots of the conflict. "A chain of revenge and counter-revenge starting from unhealed hurts is the story inside every conflict. The chain becomes bloodier with every act of 'paying them back in their own coin.'"³⁶ To deconstruct how an ethnic identification can lead to ethnic cleansing is to understand theories of ethnicity and the underlying purpose of genocide.

As Hutchinson and Smith record, ethnicity, though a relatively new term, is not a new concept³⁷. Society has always had ethnic communities as "one of the basic modes for human association and community."³⁸ Though "ethnic groups are not a fact of nature, like species, and cannot be defined by objective physiological attributes," (Oberschall, 4) ethnic identification can be broken down into six elements within the group: a common name, common ancestry, historical memories, elements of a common culture, a link to a

³⁶ Quinn, Reconciliation(s), 28

³⁷ Hutchinson, Smith 3 *ethnie* is a "French term...used...to denote an 'ethnic community' or 'ethnic group'"

³⁸ John Hutchinson and Anthony D. Smith, ed. Ethnicity. (Oxford: Oxford University Press, 1996) 3

homeland and a sense of solidarity³⁹. These features may not have to have existed in reality— there need not be an actual “Adam and Eve” as a common ancestor or as parents to an entire *ethnie*⁴⁰ but the individuals making up the group must perceive such and incorporate these various elements as part of their identity. A large part of ethnicity is individual recognition of the *ethnie* and the recognition of others as members to the *ethnie*⁴¹. Part of this recognition is born from interacting with “others”- the *ethnie* only needs a common name for itself if it has come in contact with an “other” and needs to differentiate itself from that “other”. So part of the *ethnie*’s identity is created by interacting with other people(s).

Hutchinson and Smith note that two overarching schools of thought have developed in regards to ethnicity, namely primordialism and instrumentalism. While the former views ethnicity as natural, ancient and based in the need for individual identity or “primordial ties” (Geertz)⁴², the latter sees ethnicity as a tool for gaining access to limited resources (i.e. wealth, power, etc.)⁴³ and, as such, is socially constructed and not natural. A middle ground between primordialism and instrumentalism is needed, since neither is capable of fully

³⁹ Hutchinson & Smith, Ethnicity, 7

⁴⁰ Hutchinson & Smith, Ethnicity, 4

⁴¹ Gellner, Ernest. Nations and Nationalism. (Ithaca: Cornell University Press, 1983),

7

⁴² Geertz in Hutchinson & Smith, Ethnicity, 8

⁴³ Hutchinson & Smith, Ethnicity, 9

encapsulating the complexities of ethnicity and of the *ethnie*.

Primordialism ignores the ability of the *ethnie* to change over time and instrumentalism sees no other potential gain from inclusion in an *ethnie* outside of material gain. The *ethnie* is historically based (even if it is only a perceived history) that legitimizes the individual's connectedness and offers the feeling of a wider kin-like group, as well as a culture and often a language. These various elements lead to levels of incorporation of the ethnic identity by the individual.

Handelman⁴⁴ broke incorporation down into four levels—ethnic category (loosest level of incorporation), ethnic network, ethnic association and ethnic community (or nation). These reinforce the aspect of *ethnie* as a social construct; not only does the existence of *ethnie* have to be perceived by individual members (and, by proxy, outsiders who are able to view the *ethnie* as an identifiable group of “others”) but internalized as well. This internalization can happen to various depths (as seen in the four levels). Though this incorporation is displayed at the group level, it theoretically gives quite a bit of agency to individuals, in both recognizing the existence of the *ethnie* and as willing participants to the display of communal identity (of course, this may not always be the case and an individual can be pressed or coerced into such behavior or when states have “hardened cultural

⁴⁴ Handelman in Hutchinson & Smith, Ethnicity, 6

cleavages”⁴⁵ in ways that prevent minority *ethnie* development and adaptability as a means of discrimination.)

Ethnicity becomes a concern to an individual when faced with an “opposite” or “difference”—one only recognizes the collective identity of an *ethnie* when faced with a person or persons who share a different collective identity, i.e., an “other.”

The problem, then, comes down to the differences between nation and ethnicity. The nation is “intangible”⁴⁶ and is formed by “psychological bonds that joins a people and differentiates it”⁴⁷ - such as custom and language - that a homogenous group believes has set them apart from others. However the same terms can and have been used to define ethnicity. What, then, separates the *ethnie* and the nation? One can argue that the nation is a cultural identity seeking to manifest itself in the political sphere (in the hopes of creating a nation-state) or one that has already done so. It is as Handelman described an “ethnic community” which has political control over a “permanent, physically bounded state” or an “*ethnie* in command of a national state”⁴⁸. An *ethnie* is just an *ethnie* (or a group of people with a similar or same identity) until it becomes a nation (which holds real territorial control or power.)

⁴⁵ Hutchinson & Smith, *Ethnicity*, 13

⁴⁶ Walker Connor, “A nation is a nation, is a state, is an ethnic group is a...” *Ethnic and Racial Studies* 1.4 (October 1978), 379

⁴⁷ Connor, “A nation is a...”, 379

⁴⁸ Hutchinson & Smith, *Ethnicity*, 6

Ethnicity and the state need the same basic ingredients of space, time and people. However, both concepts manifest those three ingredients in different ways. The issue of people is obvious-both the state and *ethnies* are social constructs. States are made up of people to govern people and *ethnies* are groups of people. Time is crucial, offering legitimacy to the state (the longer a state exists, the stronger the roots grow) and to the *ethnie* (by allowing the accumulation of experiences/ history as well as the development of culture). Space is important as well. The state is defined, in part, by having a geographic location, fitting within a certain set of borders. For the *ethnie* space can function as an ancestral homeland. This homeland may no longer be occupied by the group, but its function remains the same even to diaspora peoples⁴⁹.

Though ethnic groups are only social constructs that does not make them unimportant to those who identify with a particular ethnic group. "...[J]ust because nations and ethnic groups are a product of historical and social construction does not make them arbitrary or less real in the hearts and minds of their members and for other groups."⁵⁰ Often, there are benefits to group ethnic identification, both tangential and non-tangential. Ethnic identification is a social validation for beliefs that cannot be empirically identified (such as religious values), which

⁴⁹ Hutchinson & Smith, *Ethnicity*, 7

⁵⁰ Oberschall, *Conflict and Peace-Building*, 4

"in turn increases loyalty to the group. Preference for the group one belongs to is caused by these benefits of membership and is not motivated by hostility towards other groups."⁵¹ Identities are reinforced by the larger group identity. "Self-esteem, a sense of belonging, and an identity (who am I?) are not private acts but produced and validated in group interactions."⁵² Often, conflict with other groups "increases solidarity and unity within the group...as group solidarity increases, injuries suffered by some members of the group are experienced as wrongs by other group members who did not themselves suffer [known as the multiplier effect]..."⁵³ Researchers of ethnic conflict have discovered three general reactions to perception of suffering in adversary ethnic relations: "ignoring the suffering; persuading oneself that the victim deserves the suffering; and persuading oneself the victim is less than human."⁵⁴ Individuals find positive feelings in ethnic identification, they even "derive dignity from it, and seek public recognition for it."⁵⁵ Because the "self-image of ethnic groups and nations is positive...Atrocities and war crimes reflect poorly on self-image and dignity."⁵⁶

⁵¹ Oberschall, Conflict and Peace-Building, 5

⁵² Oberschall, Conflict and Peace-Building, 4

⁵³ Oberschall, Conflict and Peace-Building, 29

⁵⁴ Oberschall, Conflict and Peace-Building, 25

⁵⁵ Oberschall, Conflict and Peace-Building, 25

⁵⁶ Oberschall, Conflict and Peace-Building, 25

As Walker Connor argues in “A nation is a nation, is a state, is an ethnic group is a...”, the modern era has demonstrated that ethnic sentiment has not only been strengthened but has outlasted the state (the very state that was supposed to incite nationalist fervor over divisive ethnic ties) in many instances⁵⁷ (Connor cites Sudan, Uganda, Nigeria, Pakistan and post Connor’s 1978 article: Rwanda, the Balkans and Sudan as a repeat offender, etc). It is in this instance where there is conflation of state and nation in the question of nationalism. While the definition of nationalism has come to mean loyalty to the state as shown in Connor’s article⁵⁸, Gellner provides a more useful framework—that nationalism is a political principle which holds that the “political and the national unit should be congruent”⁵⁹. Gellner gives numerous examples in which the nationalist principle can be violated, mostly dealing with the issue of foreigners, minorities and the question of who has political control. Hutchinson and Smith use the term “nationalism” in a way to connote, at least in countries that have an influx of large numbers of immigrants, that there have been “nationalist reactions to ethnic minorities” giving one the sense that those who are native to a nation-state are a nation (and members of the *status quo*) and all others are members of a separate *ethnie*⁶⁰. “We find it also in

⁵⁷ Connor, “A nation is a...” 377

⁵⁸ Connor, “A nation is a...” 378

⁵⁹ Gellner, *Nations*, 1

⁶⁰ Hutchinson & Smith, *Ethnicity*, 12

the English and American (White Anglo Saxon Protestant) tendency to reserve the term 'nation' for themselves and 'ethnic' for immigrant peoples."⁶¹ The nation appears to have some innate power over the *ethnie*, or rather that the nation connotes a certain level of power that the *ethnie* does not. This argument certainly holds true for the American example.

When the ethnic identity is a handicap, the individual identity is subsumed by the ethnic identity ("I" becomes "we") and that ethnic identity becomes important (and replaces any post-ethnic, state-based identity). "...if the people is to rule in its own nation-state, and if the people is defined in ethnic terms, then its ***ethnic unity may outweigh the kind of citizen diversity that is central to democracy***"⁶² (emphasis added). The "we" that are in power want to maintain the system that has given them power; those "we," without power, want power.⁶³ "Murderous cleansing is most likely to result where powerful groups within two ethnic groups aim at legitimate and achievable rival states 'in the name of the people'...genocide often comes as a corollary of two competing state-building projects...[which] itself is

⁶¹ Hutchinson & Smith, *Ethnicity*, 5

⁶² Michael Mann. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. (Cambridge: Cambridge University Press, 2005), 3

⁶³ Donnelly, Michael. *Class Notes, SP. 693.ii Ethnicity, Nationalism and the State*. National University Ireland-Galway, Galway (Ireland). January-April, 2009

derived from the modernist ideologies of popular government.”⁶⁴ In the pursuit of popular government, one group, to maintain its power in the state-structure, commits a “cleansing” of the populace so that “the people” and the power-structure are reflections of each other, “...danger [is] presented not by a stable, cohesive, or totalitarian state but by weakening and...partially democratizing state beset by factionalism and radicalization.”⁶⁵

It is important to recognize that both tactics were common in the 20th century and seem only to be gaining speed in the 21st. It would ease our international conscience if it were for simple reasons that the entire annihilation of a group of people was undertaken—if it was simply greed over resources or simple-minded “ancient hatreds.” But genocide is never simple. The torrent of violence unleashed upon the Tutsi population of Rwanda in May of 1994 was “not an aberrant force of ‘a people gone mad’” or “an uncontrollable outburst of rage by a people consumed by ‘ancient tribal hatreds,’”⁶⁶ rather it was the calculated efforts by a few elites to maintain their own power structure. Genocide and ethnic-cleansing are often seen as aberrations of madness; episodes that work outside the realm of rationality and

⁶⁴ Michael Mann quote found in Sinisa Sinisa Milesevic. Identity as Ideology: Understanding Ethnicity and Nationalism. (Palgrave MacMillan, 2006) 2

⁶⁵ Michael Mann quote found in Sinisa Sinisa Milesevic. Identity as Ideology: Understanding Ethnicity and Nationalism. (Palgrave MacMillan, 2006) 7

⁶⁶ Des Forges “Leave None to Tell the Tale”

morality. Bottom line, democracies commit genocide often in the name of democracy.

What, then, does this mean for women? Ethnicity is an identity that is strongly tied to specific cultural rituals and often to physical location. Losing one's "place" in the world is devastating. When identity is disturbed—targeted—it has to change and adapt to this experience that, though it happens to each as an individual, it is "brought on" by a communal, ethnic identity. Women are forced to reconcile themselves with some new identity, not to fully replace the old but to supplement it to incorporate the communal experience of ethnic cleansing.

A Look at Peace-Making and Women

The term "conflict" is often used to describe very different kinds of violent episodes representing an almost unlimited number of identities and ideologies. "Most types of social, political, and economic change involve conflict of some sort, and one could argue that many of the positive changes in world history have occurred as a result of conflict."⁶⁷ Peace, not surprisingly, is an even harder term to properly define. "With much less of a social science tradition behind it, peace is a term which is not only subject to very little conceptual scrutiny, but is also declared, with little qualification, as a political objective for which

⁶⁷ Donna Pankhurst, "The 'sex war' and other wars: towards a feminist approach to peace building." Development in Practice 13 (May, 2003), 154

compromises, and indeed sacrifices, are to be made.”⁶⁸ Anything can then be “peace,” just as anything can be “conflict”. Often due to the ambiguities in the usage of both terms—and the inherent discussion it entails—the gender inequality of both conflict and peace go unchallenged. Issues around gender become even more complicated by the kind of peace in question.

“Conflict” has certain connotations, for which it is the reason that is now preferred over “war”. “Conflict” is also supposed to represent the way in which the violence is perpetrated—no longer the planned, pitched battles of Verdun or Iwo Jima (as practiced in the Great Wars) but wars fought along fluid geographical boundaries (as seen in the Congolese/Rwandan/Ugandan tripartite war), in residential neighborhoods and with civilians sustaining 90% of casualties. “Violent conflicts emerging since the end of the Cold War have commonly been called ethnic conflict, social conflict, and civil conflict, along with international social conflict where there is some cross-border activity or other states are involved...Competing identities are often added to the list of root causes, whether conceived in terms of an essentialist ethnicity, or regionalism, or tensions over state formation, or marginality to the global economy.”⁶⁹ However, none of this explains why some structural inequalities and triggers lead to violent conflict in

⁶⁸ Pankhurst, “The ‘sex war’”, 154

⁶⁹ Pankhurst, “The ‘sex war’”, 155

some situations and not in others. “Without clarity about the significance of similarity and difference between conflicts, it will remain difficult to assess with any reliability the chances of transition to peace.”⁷⁰ Though restructuring economic conditions is usually on the wish-list of most peace-processes, the connection between violence and economic conditions are not simple.

“Peace” is often meant as absence of widespread violent conflict; this is usually referred to as “negative peace” and really only describes a cessation of war. Violence towards women can still exist in this kind of “peaceful society”. With the cessation of the larger violent conflict as the ultimate goal, ending other forms of violence or even changing the environment or system in which the violence grew out of becomes secondary to the peace process. “Negative peace may therefore be achieved by accepting a worse state of affairs than that which motivated the outburst of violence in the first place, for the sake of (perhaps short-term) ending organized violence.”⁷¹

The kind of peace under discussion here is not “negative peace” but “positive peace” epitomized by a society in which the larger violent conflict is ended and which then willfully restructures itself to end the kinds of inequalities that was originally created by the atmosphere of violence. Real peace comes only from dealing with the very issues that

⁷⁰ Pankhurst, “The 'sex war'”, 155

⁷¹ Pankhurst, “The 'sex war'”, 156

caused the violence. This issue is complicated even more by the introduction of ethnic conflict in the situation. For example, Rwandans never fully dealt with the colonial legacy that embedded the racial hierarchy into the very fabric of society—and the ensuing bouts of ethnic violence—actually reinforced this idea. A negative peace was instituted only to be replaced by the tsunami of genocide. Rwanda has yet to fully create positive peace—continued Rwandan involvement in the Congo (in the name of hunting escaped Hutu genocidaires) and land misappropriation stopped the killings of Tutsis but hasn't really built a stable egalitarian society—for women or ethnic groups.⁷²

“In other words,” according to Pankhurst, “major conflicts of interest, as well as their violent manifestation, need to be resolved. Positive peace encompasses an ideal of how society should be, but the details of such a vision often remain implicit, and are rarely discussed. Some ideal characteristics of a society experiencing positive peace would include: an active and egalitarian civil society; inclusive democratic political structures and processes; and open and accountable government. Working towards these objectives opens up the field of peace building far more widely, to include the promotion and

⁷² Tutsis who fled Rwanda for Uganda in the 1960s-80s to escape the bouts of ethnically motivated massacres have returned since the genocide and have taken land and services. There are some tensions between returning refugee Tutsis and those Tutsis that survived the genocide over the appropriation of land and other resources.

encouragement of new forms of citizenship and political participation to develop active democracies. It also opens up the fundamental question of how an economy is to be managed, with what kind of state intervention, and in whose interests.”⁷³

The most important aspect of “positive peace” is this: “an egalitarian vision of 'positive peace' also embodies equality between ethnic and regional groups, and, though mentioned far less often, among the sexes. Enloe defines peace through a feminist lens as 'women's achievement of control over their lives.’”⁷⁴ The ability of women to have control over their own lives requires positive peace.

It is important at this point to clarify—often the line between peace-making and reconciliation isn't clear. They are two separate paths that can diverge and cross—what may be good for ending conflict may not be compatible with creating a reconciled society, and vice-a-versa. "There are no clear-cut boundaries between phases and the process is not unidirectional...Some conflicts end after peace accords are implemented, others when one adversary imposes a winner's peace unilaterally, and still others when an external team of states assumes responsibility for imposing and implementing a peace.”⁷⁵

⁷³ Pankhurst, “The 'sex war'”, 156

⁷⁴ Pankhurst, “The 'sex war'”, 155-6

⁷⁵ Oberschall, Conflict and Peace-Building, 28

Reconciliation, Transitional Justice and Forgiveness

Reconciliation is, in theory, the end stage of the peace process; the healing of wounds after the bullets have stopped flying. The academic community has no single definition for reconciliation and often disagrees on its implementation. Some argue that reconciliation is “any number of different steps and may utilize different methods” or “reconciliation is an end-point, the stage at which the relationship in question has been repaired.” Reconciliation is the method for “real peace.” However, most agree that “at its heart, reconciliation is about building relationships of trust and cohesion.”⁷⁶ For this discussion, Priscilla Hayner’s working definition encapsulates best what is the desired outcome: reconciliation is “the act of ‘building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday.’”⁷⁷ Reconciliation is about healing on a number of social levels, “including both the personal and the political...”⁷⁸

Moving past the problem of a lack of a working, academic definition for “reconciliation” is the issue of what level reconciliation operates in society? While reconciliation involves the larger group(s), whether it is successful depends on the level of “commitment to, and action regarding, reconciliation”⁷⁹ from the individual. “It is possible for

⁷⁶ Quinn, Reconciliation(s), 5

⁷⁷ Priscilla Hayner quoted by Quinn, Reconciliation(s), 4

⁷⁸ Quinn, Reconciliation(s), 5

⁷⁹ Quinn, Reconciliation(s), 5

a person to carry out reconciliation at the personal level and, in so doing, to contribute to political reconciliation.”⁸⁰ To be fully functional (no matter what one’s definition of reconciliation) reconciliation must work from the individual outwards. But to be successful in healing wounds in a ruptured society at large, groups of individuals must be dedicated to reconciliation—to healing—for the process to work. One hand cannot clap; one person’s dedication is not enough.

An important aspect of reconciliation is transitional justice which is “defined as the process by which societies move either from war to peace or from a repressive/authoritarian regime to democracy while dealing with resulting questions of justice and what to do with social, political, and economic institutions.”⁸¹ Simply put, transitional justice is about creating an environment in which grievances are aired without repercussion which therefore allows survivors a chance at “closure.” It is also a way for victims/survivors to get justice for the horrific crimes perpetuated against them. The tools of transitional justice are “seen as conventional,”⁸² as seen in the work of International Criminal Tribunals-Yugoslavia (ICTY), International Criminal Tribunal-Rwanda (ICTR), the International Criminal Court (ICC), the use of “truth commissions” in 25 countries and other “mechanisms of reparations and apology.”⁸³ Not

⁸⁰ Quinn, Reconciliation(s), 5

⁸¹ Quinn, Reconciliation(s), 3

⁸² Quinn, Reconciliation(s), 3

⁸³ Quinn, Reconciliation(s), 3

only do these mechanisms attempt to provide justice but are a way for victims to gain recognition as such.

The process of reconciliation deals with both physical and social violation. “There are wrongs that can be repaired. The idea is not to diminish any wrong that a person suffers; rather, it is to draw attention to the important truth that not all wrongs constitute irreparable damage.”⁸⁴ People often use the term “violated” which has, in some ways, decreased the potency of its meaning. “...it is not uncommon nowadays for people to use the term ‘violated’...simply on account of someone’s having lied to them.”⁸⁵ Laurance Thomas, in his chapter in *Reconciliation(s)* entitled “Forgiveness”, dissects human forgiveness against wrongdoing. He breaks wrongs into restorative wrongs (his example is the breaking of a friends’ vase) and non-restorative wrongs (acts of violations—here he uses the example of rape.) In the first instance, one can go through the societal requirements of righting the wrong (broken vase.) Even if one cannot replace the vase, one can apologize and offer a service as some kind of reparation for the broken vase (such as lawn-mowing in Thomas’ example). Forgiveness is thus expected and, often, required. Not accepting forgiveness after the

⁸⁴ Quinn, *Reconciliation(s)*, 17

⁸⁵ Quinn, *Reconciliation(s)*, 17

appropriate steps is unexpected. “Holding a grudge bespeaks a flaw in character.”⁸⁶

Rape is a true violation that has no comparable “righting”. “Rape does not admit of restoration precisely because there is no way to compensate for a wrong that is tied to having coerced a person to participate in intimate behaviour against her or his wishes.”⁸⁷ Thomas dismisses monetary compensation as fruitless to forgiveness and reconciliation because it gives a moral “out” for perpetrators, turning the violation into a business transaction that requires no actual attempt at apology. Affixing a monetary value to rape only adds insult to injury because “...then a person could commit this horrendous act, serve up the designated sum of money, and then proceed as if he indeed wiped his slate clean...the moral sentiments of guilt, shame, and remorse could become otiose as the monetary sum offered up as restoration would be seen as completely settling everything.”⁸⁸ Monetizing a crime such as rape denies long-term affects that cannot be fixed or restored with money yet allows the perpetrator to assuage guilt. “Even when restoration is out of the question and even when no form of monetary compensation is adequate, forgiveness is still possible.”⁸⁹

⁸⁶ Quinn, Reconciliation(s), 18

⁸⁷ Quinn, Reconciliation(s), 18

⁸⁸ Quinn, Reconciliation(s), 19-20

⁸⁹ Quinn, Reconciliation(s), 20

How does one then right rape, particularly in the context of ethnic cleansing? In reconciliation, is one simultaneously attempting to “right” the rape and the ethnic cleansing, two very separate acts of violation, yet often done in concert? Rape is the violation of autonomy and often womanliness (allied with the ideas of female purity that is so common in the world.) Ethnic cleansing is a violation of a perceived inherent ethnic identity; ethnic cleansing is also a violation of the person as an existential being, as well as of their basic right to existence. Ethnic cleansing is also a violation of the social contract because it denies the coexistence that occurred before ethnic cleansing and peaceful coexistence was demonized by perpetrators as unnatural. Though there were numerous ethnic groups that comprised Rwanda and the Balkans area, large numbers of each group mingled and mixed with others. Ethnic cleansing violated the very real way the societies were arranged and how people lived and functioned under specific societal and cultural terms. The violation ran deep.

Frayling⁹⁰ argues that “...‘Forgive and forget’ does not work...” and that “...The only way to deal with deep pain and resentment...is not to forgive and forget but to *remember and repent*, or, if you prefer,

⁹⁰ Though Nicholas Frayling writes about the conflict of Northern Ireland, the lessons learned from this intractable conflict are applicable to Bosnia/Rwanda, since the ethnic cleansing was the ultimate link in the bloody chain of violent acts (paraphrased, p.28) and since the three conflicts have parallel themes (ethnic groups commonly mix, colonization or some form of outside source with power over the domestic sphere, etc).

to remember and change, or at least initiate change.”⁹¹ Part of initiating change is restitution. “I [Frayling] have already suggested that it is a basic feature of human experience that you cannot have true reconciliation—be it personal or institutional—without sorrow and penitence, or apology and symbolic restitution.”⁹² Restitution is not about money but restitution can be an important part of reconciliation by giving space for the airing of grievances, penitence and forgiveness. Dudley Thompson (former foreign minister of Jamaica) is quoted saying: “Reparations is not about asking for money. You can’t pay me for raping my grandmother. You cannot compensate me for lynching my father. What we demand is the restitution of our human dignity, the restoration of full equality, socially and economically, between the oppressors and the oppressed.”⁹³ Transitional justice and the rebuilding of physical structures and of the political process gives space for restitution and, potentially, forgiveness. Justice is not wholly about the punishment of perpetrators, but of vindication for victims because the “first thing it [justice] involves is recognizing the injury as such, and thereby acknowledging the dignity of the victim.”⁹⁴ Until this form of restitution is acted upon, until wounds heal, the wheel of history-of violence-continues to turn. “...Neither in personal nor political

⁹¹ Quinn, Reconciliation(s), 28-29

⁹² Quinn, Reconciliation(s), 31

⁹³ Quinn, Reconciliation(s), 31

⁹⁴ Nigel Biggar, ed. Burying the Past: Making Peace and Doing Justice after Civil Conflict. (Washington, D.C: Georgetown University Press, 2007), 10

contexts is any human repentance ever quite complete. This is one of the gaps which forgiveness fills, especially the forgiveness that consists in the willingness of offended people to resume neighbourly relations with the offenders.”⁹⁵

However, when coming to the process of reconciliation from the human rights perspective—rather than the more religious-minded concept of forgiveness⁹⁶ --that “[i]t is more expansive, about transforming relationships damaged through conflict-a complex and difficult process-and not cheap rhetoric.”⁹⁷ Forgiveness sounds really good as does transitional justice until one gets down to the nitty-gritty of actually **doing** the reconciling. Justice, in the form of the ICTY, ICTR and other domestic courts (such as the gacaca in Rwanda) have been very slow in prosecuting alleged perpetrators.

The role of history is extremely relevant in all aspects of genocide and reconciliation. “History” (that is, historical episodes that are revised or cherry-picked to fit a particular ethnic narrative) is often used as the reasons for the extermination of the “other” (for Hutus- the historical colonial preference for Tutsis, for Serbs- Turkish abuses centuries prior). “...[W]e have to acknowledge that all historical

⁹⁵ Quinn, Reconciliation(s), 29

⁹⁶ Nicholas Frayling is dean of Chichester Cathedral in the United Kingdom (Quinn, 35) and does approach the reconciliation process from a religious perspective. This fits his area of expertise, the conflict in Northern Ireland, which was primarily an ethno-religious conflict. Laurance Thomas is a professor of political science in the Maxwell School at Syracuse University (Quinn, Reconciliation(s), 25).

⁹⁷ Quinn, Reconciliation(s), 288

learning is, to a greater or lesser extent, culturally determined.”⁹⁸ Often the ultimate revenge—that of ethnic cleansing—is an attempt to right the historical wrongs that have never healed. “A chain of revenge and counter-revenge starting from unhealed hurts is the story inside every conflict. The chain becomes bloodier with every act of ‘paying them back in their own coin.’”⁹⁹

There are a number of impediments to reconciliation, often stemming from the attitudes of combatants and perpetrators. The double victim syndrome and the denial syndrome are major obstacles to reconciliation because of the refusal to acknowledge the pain of the "other". "The double victim syndrome holds that each group believes it was or is the principle victim and the denial syndrome states that each group denies that their group was responsible for war crimes and atrocities.”¹⁰⁰ An example of this is a poll of Serbs taken by the Serbian Helsinki Committee on Human Rights in 2001 which found that "over 50 per cent of Serb citizens could not cite any crimes committed by the Serbian military forces in recent wars, but all of them were quite knowledgeable about crimes committed against Serbs.”¹⁰¹ Clearly, this poll shows people in a state of denial; another example from Serbia shows the strength of willful ignorance. In this instance, one-third of

⁹⁸ Quinn, Reconciliation(s), 30

⁹⁹ Quinn, Reconciliation(s), 28

¹⁰⁰ Oberschall, Conflict and Peace-Building, 25

¹⁰¹ Oberschall, Conflict and Peace-Building, 27

Serbians believed footage of a massacre was faked, even after witnesses testified at the ICTY and spoke to Serbian media.¹⁰² This level of denial is a great hindrance to reconciliation—when one side cannot recognize the victimhood of the former enemy.

The preceding sections largely give the theory and history necessary to understand the levels of vitriolic violence experienced by women in Bosnia and Rwanda in their respective ethnic cleansings. Ethnicity is not simply a self-identifier but a way of life and an emotional and tangential—often economical—relationship. Because of the nature of the ethnic identity, women as bearers of the next generation are specifically targeted and humiliated. Rape is not a crime that can be rectified by monetary compensation, neither is genocide or mass rape in the context of ethnic cleansing. Forgiveness, peace and reconciliation, no matter how one tries, can truly be separated from each—their paths so often cross.

¹⁰² Oberschall, Conflict and Peace-Building, 27

Part Two

The Gender Element in the War/Peace Discourse

War and peace are gendered in theory and in practice. How we understand the nature of warfare is traditionally through a masculine lens. Joshua Goldstein argues, that while neither gender¹⁰³ is programmed to war, gender norms mold men, women and children to the needs of the war system. Often women are portrayed as innocent, passive victims of war; yet we know this is untrue. "As women's experiences have become more broadly known, it has become clear that there are many different ways in which women live through and participate in wars: as fighters, community leaders, social organizers, workers, farmers, traders, welfare workers, among other roles. Nonetheless, many conflict narratives highlight a common theme of women seeking to minimize the effects of violence through their different social roles."¹⁰⁴

Until recently, an encompassing study of war generally did not include a gendered perspective; Goldstein cites Doyle's 1997 "comprehensive survey...on war and peace contains six gender-related index entries but devotes only about one-tenth of one percent of its

¹⁰³ This, of course, assumes an understanding of gender that is binary in nature

¹⁰⁴ Pankhurst, "The 'sex war'", 157-8

space to gender." Goldstein focuses on the lack of a gendered perspective in political theory on war/peace and in international relations. He does note that North American anthropological work on war has been very good about engaging gender; "...anthropology engages gender even though women are poorly represented among anthropologists studying war."¹⁰⁵

This, then, is endemic to the problem under consideration here. "In North American political science and history, male war scholars' interest in the puzzle of gendered war roles has been minimal."¹⁰⁶ If women are not considered equal partners in war than how can they be considered equal partners in peace—in ending war? The argument is not that those who write about war don't care about women or that they are actively excluding the gendered perspective but they haven't actively included it, either. Gender is unimportant as women are perceived to be the only ones with "gender." The term "gender" is synonymous with "woman" or "female"; it appears that "...gender references concern women, men still do not have gender."¹⁰⁷ And, on the rare occasion that gender is mentioned, it is done so in passing as "something that could be interesting, but plays no substantive role in any of the main competing theories about war."

¹⁰⁵ Joshua S. Goldstein. War and Gender: How Gender Shapes the War System and Vice Versa. (Cambridge: Cambridge University Press, 2006), 35

¹⁰⁶ Goldstein, War and Gender, 34

¹⁰⁷ Goldstein, War and Gender, 35

Goldstein does note that this "pattern is less true in recent years than previously, however, and less true in Britain and Australia than in the United States. Men there are more often both subjects and authors of gender studies." This shows that the global hegemon—the United States—still views "gender" as female and unnecessary for understanding war.¹⁰⁸

No scholar, as far as my research shows, is advocating that women should be excluded from the discourse, either in theory or in practice. But those who favor a gendered view of war are relegated to the fringe of the debate by being labeled "feminist scholars" (as to why being a "feminist scholar" is bad is an argument for a different paper). "Feminist literatures about war and peace of the last fifteen years have made little impact as yet on the discussions and empirical research taking place in the predominantly male mainstream of political science or military history," as evidenced by the "number of headings and subheadings in a book's index on topics relating to gender" which is zero.¹⁰⁹ This gives evidence to a terrible lack of development for war/peace theorists as "[f]eminist theorists disagree...[on] how gender relates to war, but they have long treated the question as important. Many of their male colleagues do not seem to share this interest,

¹⁰⁸Goldstein, War and Gender, 35

¹⁰⁹Goldstein, War and Gender, 34

however."¹¹⁰

The solution for understanding the gender perspective is not as simple as adding women "to those theories where they had previously been excluded, for this exclusion forms a fundamental structuring principle and key presumption of patriarchal discourse."¹¹¹ But inclusion of a gender perspective in the discourse does not mean a gender perspective in practical application. Women are not just passive victims of war.

Sexual Violence, Ethnic Cleansing and Genocide

Until the International Criminal Tribunal for Yugoslavia (ICTY), rape and sexual enslavement were not considered "violations of sufficient gravity to be considered 'crimes against humanity' under international law"¹¹², but on February 22nd, 2001, the tribunal decided that sexual violence is a crime against humanity.¹¹³ Feminist pressure has changed, to a certain degree, the way rape is viewed in North America and Western Europe, but in most other cultures, women's sexuality continues to be tied to familial-male honor.¹¹⁴ "Specific

¹¹⁰ Goldstein, War and Gender, 34

NOTE: Clearly, not all female war/peace theorists are feminist scholars nor are males, simply for being male, denied the label "feminist scholar". Just for admitting that a gendered perspective is relevant for war and peace theory, Goldstein is "outing" himself.)

¹¹¹ V. Spike Peterson, ed. Gendered States: Feminist (Re)Visions of International Relations Theory. (London: Lynne Rienner Publishers, 1992) 8

¹¹² Boose, "Crossing the River Drina" 71

¹¹³ Boose, "Crossing the River Drina" 71

¹¹⁴ Boose, "Crossing the River Drina" 72

narratives linking gender, ethnicity, and identity may in some cases provide the strategic logic behind mass rape campaigns in the first place, as in Bosnia...and Rwanda.”¹¹⁵ In Bosnia, the tale of rape is left out of the cultural narrative and women-victims/survivors are denied a venue for their voices. Women are taken out of the narrative when it comes to rape; women are simply receptacles in which the honor of the women’s male family members takes place.¹¹⁶ Women, particularly in patriarchal societies, are given only one acceptable cultural narrative for the woman raped during war—that of ancient Rome’s Lucrece.¹¹⁷ This attitude simply reinforces the "objectification of women as male property" by arguing that rape is something that women should be protected from but not as something that men should be prosecuted for.¹¹⁸

[Boose argues that intense patriarchy is the only explanation for the Kosovar-Albanian family that “sacrificially sent” their “deeply loved daughter” to join the Kosovo Liberation Army after she had been gang-raped for four straight days by Serbian forces as their village was ethnically cleansed. The family expected her to be killed but, believing

¹¹⁵ Charli Carpenter, ed. Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones. (Bloomfield, CT: Kumarian Press, 2007) 9

¹¹⁶ Boose, “Crossing the River Drina” 72

¹¹⁷ The Lucrece story is that of a married noblewoman (Lucrece) who is raped. After swearing the men in her life to seek vengeance for the rape, Lucrece commits suicide. Lucrece-imagery was a theme of the Enlightenment as well as the focus of a play by William Shakespeare (Boose, “Crossing the River Drina” 73)

¹¹⁸ Pankhurst, Gendered Peace, 33

their daughter's life was over after the rape, hoped that she could redeem the "family's honor" in seeking revenge against her rapists (or even dying at the attempt at redemption).]¹¹⁹

"Additionally, linking sexual violence offences with honor detracts from their gravity as offences of violence."¹²⁰ ICTY and ICTR changed the way the crime of rape itself was defined—rather than a crime against the family's honor it was a crime against the female and her autonomy.¹²¹ By redirecting the intent of the crime to the actual victim rather than elusive non-corporal principle, the law recognizes the real nature of rape and its use as a tool of genocide/ethnic cleansing. The "new" definition of rape in international law recognizes the woman rather than the men in her life (presumably the people whose honor has been stained by the act, i.e. husband, father, etc.)

(States, in a post-conflict setting, have also used the patriarchal view of rape to their advantage. "Governments of populations targeted by such campaigns may exploit stories of to...justify military retaliation; in such narratives, sexual assault may be treated as a crime not against women but against communities.")¹²²

"It is now recognized that rape acted out on a mass scale, often in public, breaks down existing socio-cultural structures. As a result of

¹¹⁹ Boose, "Crossing the River Drina" 72-73

¹²⁰ Pankhurst, Gendered Peace, 33

¹²¹ Pankhurst, Gendered Peace, 42

¹²² Carpenter, Born of War, 9

such considerations, during the 1990s sexual violence was incorporated into definitions of torture, human rights abuses and crimes against humanity. The International Tribunals for Yugoslavia and for Rwanda were the first to judge rape within such frameworks of international law, and thus contributed to the recognition of sexual violence as more than 'collateral damage' to war, but rather, as crimes against humanity."¹²³ This new understanding of rape attempts to place rape within the genocide context—that the crime is committed against the woman with assumed and intended repercussions on society at large.

The sexual violence committed against Bosnian women during the ethnic cleansing was astounding. During the Bosnian war, the number of women raped is estimated to be between twenty- and fifty-thousand¹²⁴, many in camps dedicated to this act. "Rape" does not begin to cover the reality of the nature of the crime as well as the psychological toll crimes of that nature cause. Women-survivors in Bosnia and Rwanda survived much more than "rape": watching family members—parents, husbands, children--shot or hacked to death, raped as family members are forced to look-on. In Bosnia, women who survived often fled their burning villages, running naked under a hail of

¹²³ Pankhurst, *Gendered Peace*, 206

¹²⁴ This is a conservative estimate (Boose, "Crossing the River Drina" 71)

bullets.¹²⁵ Even the use of the word “woman” is, in reality, outrageous since many rape victims were young girls.

Rape-camps were a Serb-planned tool of ethnic cleansing. Mass rape encourages exodus of non-Serbs out of territories to be incorporated by Milosevic into “Greater Serbia.” Bosnian-Serb civilians were forced into participating in rapes and murders of Muslim neighbors, “thereby coercing Bosnia’s Serbs into a complicity with Belgrade [Serbia’s capitol and center of Serb power]...” which lessened “the ability of the different groups to live together in the future” and prevented Bosnian Serbs from reporting “war crimes they may have witnessed being committed.”¹²⁶ Rape was a way to break-down relationships in a multi-ethnic society; Tito had actively suppressed nationalist fervor to create a “Yugoslavian” identity and intermarriage/ethnic mixing “had been openly encouraged.”¹²⁷

This is somewhat similar to the Rwanda case in regards to mixed marriages. As was mentioned earlier, mixed marriages were not common, but not so uncommon that there weren’t entire sections of the population viewed as “traitors” to the “Hutu cause”. It didn’t help that Tutsi women were the idealized beauty. Romeo Dallaire recalls, with graphic detail, discovering dead, half-naked women surrounded

¹²⁵ Boose, “Crossing the River Drina”, 72

¹²⁶ Boose, “Crossing the River Drina”, 74

¹²⁷ Boose, “Crossing the River Drina”, 73

by very clear physical evidence of rape. Like Bosnian women, Rwandan Tutsi's were targeted for similar reasons—to destroy the social fabric, to make these women “unmarriagable” and to show their general distaste for these “other” women.

Women and the Peace-Making Process: Where Are The Women?

Women have been traditionally left out of the peace process; with serious consequences as the number of civilian deaths has drastically risen in comparison to soldier/combatant deaths in recent military engagements. In the beginning of the twentieth century, only 10-15% of war deaths were civilian but this number grew to 50% in World War II and, by the end of the century, 75% of those killed in war were civilians.¹²⁸ Donna Pankhurst, in *Gendered Peace*, writes that, even with the difficulties of statistical analysis of war deaths "some analysts have undertaken...statistical analysis of gender differentials, and the calculations...show that more women than men die or suffer serious disease as a result of war...'ethnic wars and wars in "'failed states"' are much more damaging to women than other civil wars."¹²⁹

There are a number of reasons why women are traditionally left out of the peace process, the least of which is a structural issue:

¹²⁸ British Broadcasting Company (BBC). In an ethical war, whom can you fight? 10 March 2010 http://www.bbc.co.uk/ethics/war/just/whom_1.shtml

¹²⁹ Pankhurst, *Gendered Peace*, 2 (Here Pankhurst quotes Plumpre and Neumayer's work from 2005)

women are underrepresented at the highest levels in their political systems and in the military.¹³⁰ Women—in political/military roles—can be an integral part of the justice-side of peace making. Female judges are possible routes to justice when the traditional (largely male) international legal system has failed women.¹³¹ Active participation of female judges has led to major alterations in the way that rape and sexual violence is treated in the international system. However, the judicial system as of 2008 is overwhelmingly male. Only two women preside over the ICTY as permanent judges (out of a total of sixteen); in the ICTR only one of seven judges of the Appeals Chamber and four of ten in the Trial Chambers are women. Not only is there a lack of equity there is a lack of parity; most of the female judges are “concentrated in second tier judgeships.”¹³² Within the larger judicial system (at the ICC level) greater progress has been made. The Statute of the ICC requires equal gender representation and the nomination process takes into account expertise in violence against women.¹³³

Another problem with the participation of women in the peace process is the “post-war backlash against women.”¹³⁴ When women's needs are systemically ignored and women's war experiences are

¹³⁰ Swanee Hunt and Cristina Posa. “Women Waging Peace.” Foreign Policy 124 (May-June, 2001), 46

¹³¹ Pankhurst, Gendered Peace, 39

¹³² Pankhurst, Gendered Peace, 44-45

¹³³ Pankhurst, Gendered Peace, 45

¹³⁴ Pankhurst, Gendered Peace, 3

deliberately marginalized in the design of post-war reconstruction policies, it can "carry forward echoes of past situations and power relations, but there can also be a new edge of aggression against women. Together, the continued and new forms of violence, and the attacks on women's newly assumed rights and behaviours, constitute what is frequently amounts to a post-war backlash against women."¹³⁵

One concern is that women may be too good at the process and are often willing too make concessions that the intransigent aggressors are unwilling to make¹³⁶. In Northern Ireland, one British participant noted that "when the parties became bogged down by abstract issues and past offenses, 'the women would come and talk about their loved ones, their bereavement...their hopes for the future.'"¹³⁷ Along the same lines, Hunt and Posa quote a U.N. official who claims the reason women are left to the sidelines in negotiations in Africa is that war leaders "'are afraid the women will compromise' and give away too much."¹³⁸ (In 2001, Rwandan President Paul Kagame broke the mould and added three women to his negotiating team for the conflict in the Democratic Republic of the Congo. The Ugandan government, also involved in the peace negotiations, responded by adding a woman to their team.)

¹³⁵ Pankhurst, *Gendered Peace*, 3

¹³⁶ Hunt & Posa, "Women Waging Peace," 46

¹³⁷ Hunt & Posa, "Women Waging Peace," 46

¹³⁸ Hunt & Posa, "Women Waging Peace," 46

Various steps have been taken to include more women in the process of peacemaking. In October of 2000, the United Nations Security Council adopted Resolution 1325, which urged the secretary-general to not only include more women but also expand their roles in U.N. field-based operations (i.e. as military observers, civilian police and humanitarian personnel.)¹³⁹ In November of 2000, the European Parliament passed a resolution calling on E.U. members “to ensure that women fill at least 40% of all reconciliation, peacekeeping, peace-enforcement, peace-building, and conflict-prevention posts”, as well as supporting and strengthening NGOs—including women’s organizations—that focus on the aforementioned topics.¹⁴⁰

And though the influence of international organizations aimed at aiding women in post-war societies has grown, local women are ignored in almost all levels of the peace process. The improvements made by international organizations in regards to women “have done little to correct the deplorable extent to which local women have been relegated to the margins of police, military, and diplomatic efforts.”¹⁴¹ During the war in Bosnia, over 40 women’s associations remained active across ethnic lines and yet local women were entirely shut out of the Dayton peace-process.¹⁴²

¹³⁹ Hunt & Posa, “Women Waging Peace,” 39

¹⁴⁰ Hunt & Posa, “Women Waging Peace,” 39

¹⁴¹ Hunt & Posa, “Women Waging Peace,” 39

¹⁴² Hunt & Posa, “Women Waging Peace,” 39

Hunt and Posa put forth a number of reasons why women are better at the peace process:¹⁴³

1. that since women are often non-combatants they are assumed to be less threatening at the negotiating table.
2. women, even in most developed countries, are not part of the “mainstream” political process (or are an extremely limited part of the political process) thus often forced to work under the radar; because the work is done discretely, women’s political action is seen as less-threatening.
3. women have chosen to identify as “mother”, which is an identity that crosses ethnic or national boundaries

Point two raises the possibility that women having to work “underground” means that women are accustomed to working with the “other” or “enemy” due to limited resources (both material resources and manpower). Because women lack high-levels of institutional power and/or due to social rules are not supposed to be politically active, working outside the mainstream political process necessitates that women work with other women (no matter their “otherness”).

¹⁴³ Hunt & Posa, “Women Waging Peace,” 41

Though many arguments for female involvement in the peace-making process seem based on stereotypes of women (i.e. women as “mother”), that does not mean that they are limiting or false. Women choosing to identify themselves first and foremost as mothers, though tying themselves to biology, are resisting the identities that brought the factions to war in the first place (most often ethnic ties or religious affiliation). This has been the case in India/Pakistan¹⁴⁴ and in the Sudan.¹⁴⁵

Women Use Their Voice: Bosnia

When the international and domestic political community avoids the inclusion of women in the peace and reconciliation process, women are then forced to speak for themselves. The following sections look at the ways women have been involved in these processes in both Bosnia and Rwanda.

Women held more graduate degrees than men in Bosnia, yet there were no women among the lawyers, diplomats and political leaders representing various factions of the Balkan War during the signing of the Federation agreement at the White House in 1994. (Of

¹⁴⁴ Indian and Pakistani women have conducted the Pakistani-India People’s Forum for Peace and Democracy since 1994 as a way of countering the jingoistic government and media of the respective states. In 1995, this organization aided activist in the work of freeing Indian and Pakistani fishermen languishing in the other’s jails-the fishermen were released as a result. (Hunt & Posa, 41)

¹⁴⁵ In February 1999, women (aided by the Sudan Council of Churches) organized the Wunlit tribal summit that ended the bloody hostilities between the Dinka and Nuer peoples, guaranteeing peace and put in place an agreement on shared rights (water, fishing, etc.). Shared rights had been key points of disagreement (Hunt & Posa, 41)

the women in attendance, all five were American).¹⁴⁶ “Women’s exclusion from that policy table may have been intentional on the part of war-makers, who may rightly have believed women would have pursued peace above nationalist aims.”¹⁴⁷ Women, by and larger, were against dividing the territory along ethnic lines; the nationalist policy-makers (all male) included carving up the country and governance along ethnic boundaries. The one woman who played a major role on the Serbian side of the conflict, Bilijana Plavsic, “turned away from Serb nationalism” during the Dayton peace-negotiations and “moved toward the democratic West”.¹⁴⁸ This is interesting, considering that Biljana Plavsic was installed by Karadzic, who believed that a woman would be easier than a man to manipulate to do his bidding. After the war Plavsic turned herself into the ICTY. Dayton was a “conference of warriors, each deciding how he could leave with the greatest advantage possible.”¹⁴⁹

Though women were actively excluded from the Dayton peace process, women have worked together across ethnic lines to forge ahead in their own peace-process. Women of different ethnic backgrounds have collaborated to find missing loved ones-fathers, husbands and sons forced to join the military ranks of the various

¹⁴⁶ Hunt, This Was Not Our War, XIX

¹⁴⁷ Hunt, This Was Not Our War, XIX

¹⁴⁸ Hunt, This Was Not Our War, XIX

¹⁴⁹ Hunt, This Was Not Our War, XIX

factions or killed during the ethnic cleansing.¹⁵⁰ The survivors of Srebrenica, entirely women, had reached a breaking point in 1996 after a year of little aid. The public protest that ensued in the city of Tuzla, though aimed at the Red Cross, also revealed the women's frustration with Bosnian Serb authorities, who were dragging their feet in giving access to the site of the mass grave of the Srebrenica men. The Dayton agreement required the Serbian government to provide information about, and allow access to, mass graves. The Red Cross was trying to help the women, but were stymied by Bosnian Serb indifference.¹⁵¹ Women used the "Balkan tradition whereby women take over communication with other ethnic groups on the everyday level," during and after the war to continue to survive.¹⁵² The willingness to work with "others" also included working with refugees. The patriarchal nature of Bosnian society actually allowed for "unexpected possibilities to women who were considered less capable in politics, missions, or even smuggling."¹⁵³

Women have also used their voices in regards to how rape is treated in international law. Since much of what happened in Bosnia was reported by the international media while it was occurring, women were able to use the international outrage to seek justice. The media

¹⁵⁰ Hunt This Was Not Our War, XX

¹⁵¹ Hunt This Was Not Our War, XXI

¹⁵² Inger Skjelsbaek and Dan Smith, ed. Gender, Peace and Conflict. (London: SAGE Publications, 2001) 181

¹⁵³ Skjelsbaek, Gender, Peace and Conflict, 181

coupled with the outrage “helped women to define rape as a war crime and to urge world organizations to act immediately, and not decades later when most of the victims are already dead, as was the case with the Korean or German victims of rape during World War II.”¹⁵⁴

In Bosnia, as NGOs become more actively involved with women, women have used this interest to their own economic advantage as “sources of income-either as directed employment or to support women’s organizations.” In the post-war countries of Yugoslavia, women were very effective at coming together to establish new organizations so as to take advantage of this opportunity.¹⁵⁵

Women Use Their Voice: Rwanda

As Pankhurst points out, post-war societies can provide ripe circumstances for unprecedented female engagement in formal politics.¹⁵⁶ In Rwanda, women have had unusual success in formal electoral politics. “Here elections to the national assembly in 2003 delivered 49 per cent of the seats to women, a higher percentage than in any OECD country.”¹⁵⁷ Though this largely reflects that women make up the vast majority of survivors, “this massive change was by no means demographically inevitable, and will have consequences for

¹⁵⁴ Skjelsbaek, 180

¹⁵⁵ Pankhurst, Gendered Peace, 32

¹⁵⁶ Pankhurst, Gendered Peace, 16

¹⁵⁷ Pankhurst, Gendered Peace, 16

political life in Rwanda that are as yet too early to judge."¹⁵⁸ Women have also had some success in the *gacaca* courts. Often in post-war contexts, the revival of traditional practices is a way of putting women "back in their place." Although when "gender awareness is incorporated, it can be used to help build a new society."¹⁵⁹ In the *gacaca* system, women have been incorporated as judges, which is a fundamental change. Though "it is too early to evaluate what differences this might make to the outcomes," this reformation does lend itself to hope.¹⁶⁰ However, these positive steps haven't always aided women in maintaining inheritance rights against discriminatory laws and other prejudiced social attitudes, particularly in regards to land rights. "In Rwanda, many men were killed during the genocide; but women were barred from claiming rights through inheritance under customary law, even though under the constitution they have the legal right to inherit."¹⁶¹ Revisions have been made to inheritance laws, yet they have not secured women's inheritance rights. This, coupled with the redistribution of land to 750,000 returnees from Uganda, means that women have been left the heads of households—often HIV positive—without any real means of support.¹⁶²

¹⁵⁸ Pankhurst, *Gendered Peace*, 16

¹⁵⁹ Pankhurst, *Gendered Peace*, 13

¹⁶⁰ Pankhurst, *Gendered Peace*, 13

¹⁶¹ Pankhurst, *Gendered Peace*, 19

¹⁶² Caroline Sweetman, ed. *Gender, Peacebuilding, and Reconstruction*. (Oxford: Oxfam GB, 2005) 86

The International Legal System: Seeking Justice for Sexual Violence

Moments of mass sexual violence against women, like any violation of international law, can only be stopped by impeding on state sovereignty¹⁶³ by the intervention of the international community and of those in leadership positions (Secretary-General of the UN, the presidents/prime ministers of major powers, etc.) The leaders must view the cessation of action (generally through force) as balancing or being worth more than the violation. If women are unworthy of saving in the first place, what changes the mind of the international community after the fact? Do we view these women as more “worthy” after they themselves have taken a step towards a public recognition of the abuses they endured? In their book, *Half the Sky*, Nicholas Kristof and Sheryl WuDunn argue that the “reality is that as long as women and girls allow themselves to be prostituted and beaten, the abuse will continue...it’s...essential to help young women find their voices”¹⁶⁴ and women “need to join the human rights revolution themselves...”¹⁶⁵ Women are fighting—to have a voice in the peace process, to demand recognition as survivors and to mobilize for change.

¹⁶³ Pankhurst, *Gendered Peace*, 49

¹⁶⁴ Nicholas Kristof & Sheryl WuDunn. *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*. (New York: Alfred A. Knopf, 2009), 47

¹⁶⁵ Kristof & WuDunn, *Half the Sky*, 53

“In contrast to these World War II-era tribunals (Nuremberg and Tokyo), the ICTY and ICTR were given a mandate by the Security Council to prosecute serious violations of international humanitarian law regardless of whether the suspects came from the winning side or the losing side of an armed conflict. But withholding cooperation can give states power to turn the tribunals into vehicles for the political interests of the targeted state...winners of a conflict may be able to control a tribunal's prosecutorial agenda...the losers of a conflict may be able to control the courts by blocking investigation and prosecution of their nationals.”¹⁶⁶ This reliance on the state to produce witness and defendants for tribunals means that, with even the best of intentions, tribunals can be left to the politically calculated whim of the states involved in the trial. States control of access to witnesses means that the states can become complicit in denying justice to victims. This is compounded by prosecutors who have often been unwilling to prosecute crimes of sexual violence, even though it is such a common crime committed against women during wars, ethnic cleansing and genocide. This means that women seeking some kind of justice are not only battling their own societies (desirous to ignore the crime of rape and often stigmatizes victims) and the bureaucracy of the justice

¹⁶⁶ Victor Peskin. International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation. (Cambridge: Cambridge University Press, 2008), 6

system, but the states that have the power to refuse tribunal access to victims/survivors. Women as witness need dutiful protection¹⁶⁷ and access to justice.¹⁶⁸ In this international women's groups have been instrumental in demanding justice by giving women the space to act as witnesses and/or in referring women as victims/witnesses to criminal tribunals. Women's groups have often been involved in legal proceedings by filing amicus briefs.

The problem in attaining recognition as equal victim is that the law itself is gendered. "Put succinctly, 'rights are defined according to what men fear will happen to them, those harms against which they seek guarantees.'"¹⁶⁹ Feminist scholars have argued that rape is also viewed as collateral damage of war—terrible, yes, but expected. "This in turn is linked back to the notion of women as property and as such becomes the spoils of war. The perceived inevitability of rape in warfare has also been tied to the failure to prosecute violence against women, including sexual violence in peace-time."¹⁷⁰

The courts system is slow and the prosecutor has also, often, failed to bring rape charges before the tribunal. A rape victim in Cyangugu explains her exasperation with the ICTR:

¹⁶⁷ Pankhurst, Gendered Peace, 45

¹⁶⁸ Pankhurst, Gendered Peace, 47

¹⁶⁹ Pankhurst, Gendered Peace, 33

¹⁷⁰ Pankhurst, Gendered Peace, 34

"We helped the ICTR to find the rape victims in this area. They even interviewed a rape victim who was HIV positive dying in her hospital bed. We are angry and disappointed that the ICTR, after making us talk about all the humiliating things that were done to us, they did not bring rape charges. What has the ICTR really done since it started? It has cared better for the interhamwe. If the tribunal does not change its approach to give value to women, then it is not worth it for us to work with them. Women have so many other things to worry about. Why should we waste our time with the tribunal. Many women have AIDS and are starting to die. Today we buried a woman. Last week, another. Last month, another. Women here have so many problems, and no one to go to."¹⁷¹

The silence from the ICTR in regards to sexual violence is viewed as acceptance of sexual violence as a lesser crime, which is particularly damning in Rwandan society where rape is greatly stigmatized and "the international community's silence further amplifies the societal constraints that women are already under to muffle their voices about what happened."¹⁷²

¹⁷¹ Pankhurst, Gendered Peace, 124

¹⁷² Pankhurst, Gendered Peace, 124

After-Effects of Sexual Violence

In regards to the reconciliation process, because of the physical and psychological toll that mass rape has not only on women, but also on society at-large, the need for acceptance or understanding is vital.

Beyond the physical and emotional trauma of the rape(s) are the lasting affects of forced sexual contact- the fear of HIV (or other STDs) and/or pregnancy (this has been a particular problem in Rwanda).

Forced impregnation is not simply a side effect of rape; in cases of ethnic cleansing/genocide forced impregnation¹⁷³ is one tool for breaking down the social order. According to the Convention on the Prevention and Punishment of the Crime of Genocide, Article II states that “(b) Causing serious bodily or mental harm to members of the group...” and “(d) Imposing measures intended to prevent births within the group” with the intent of destroying “...in whole or in part, a national, ethnical, racial or religious group”¹⁷⁴ as an act of genocide.

The mass rapes are not meant to create a new generation of the preferred ethnic groups but to destroy the targeted ethnies. “[T]here were far too many women killed immediately after being raped or killed after becoming debilitated...in a rape camp for the production of Serb

¹⁷³ There are between 2,000 to 5,000 children born of rape in Rwanda alone. (Carpenter, *Born of War*, 5)

¹⁷⁴ Convention on the Prevention and Punishment of the Crime of Genocide <http://www.preventgenocide.org/law/convention/text.htm#II>

babies to work as a likely rationale.”¹⁷⁵ Female rape survivors are not seen as marriage material (having been “dirtied”) and unlikely to have children within the community and their children from rape are not fully of the community. Carpenter argues that “attempts to frame forced pregnancy as genocide...contradicts aspects of the Genocide Convention pertaining to children and reproductive rights of groups.”¹⁷⁶ However, forced pregnancy is, in fact, a tool of genocide particularly in virulently patriarchal societies. As I have noted, rape and forced pregnancy break down longstanding social relationships and boundaries. “The rape camps of the Bosnian war have been documented as a systemically planned Serb instrument of genocide designed not merely to encourage the evacuation of all non-Serbs but to destroy parent-child and spousal bonds and render large numbers of the society’s child-bearing women contaminated and thus unmarriageable.”¹⁷⁷

“Overall, it has been estimated that tens of thousands of children have resulted from mass rape campaigns or sexual exploitation and abuse during times of war in the last decade alone.”¹⁷⁸ Although the rights of children born of rape (particularly wartime, mass

¹⁷⁵ Boose, “Crossing the River Drina,” 74

¹⁷⁶ Carpenter, Born of War, 8

¹⁷⁷ Boose, “Crossing the River Drina,” 73

¹⁷⁸ Carpenter, Born of War, 2

rape) is not the focus of this paper, the issues surrounding the status and rights of these children affects their mothers.

(The book on which this section relies heavily, *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* [ed. by Charli Carpenter], uses the term “children born of war.” The discussion within the book encompasses all “persons of any age conceived as a result of violent, coercive, or exploitative sexual relations in conflict zones.”¹⁷⁹ Due to the nature of my topic, I believe the term “children born of rape” [or of similar verbiage] more accurately reflects the nature of the sexual violence in my two case studies.)

How societies deal with their own children of rape and their mothers is an indication of the approach the nation has decided to take in dealing with their recent violent history. Most importantly, it reflects the immediate and long-term affects of sexual violence towards women during ethnic cleansing.

Wartime rape often leaves the woman stigmatized; their children, rather than being viewed as innocent byproducts of horrific events are also often stigmatized for various reasons. Children born of rape in Rwanda and Bosnia-Herzegovina are easier to hide due to limited or no racial difference¹⁸⁰ but that has not stopped the stigmatization of these children. In Rwanda they are “devil’s children”

¹⁷⁹ Carpenter, *Born of War*, 3

¹⁸⁰ Carpenter, *Born of War*, 5

and “children of shame” or “little Chetniks” in BiH.¹⁸¹ Male children bear the stigma of future potential threats or “fifth column” attack on the group from the inside.¹⁸²

Sadly, one way some women and families have dealt with children born of rape has been through infanticide. Infanticide occurs often from neglect¹⁸³—mothers are physically, emotionally and/or financially incapable of caring for newborns especially when humanitarian services are stretched in post-conflict environments—or from intentional causes.¹⁸⁴

Often humanitarian services—due to the stress of the combat or post-combat environment—specialize in their aims or in those they target for aide to help as many possible with their limited resources. Carpenter argues that often women’s organizations have women as their priority and not the best interest of children born of rape “given the tensions that arise between women’s needs and children’s needs in these cases and the organization’s mandate to prioritize the concerns of the mothers.”¹⁸⁵

Children of rape eventually seek out an identity as they reach adolescence, particularly when they have not been fully accepted by

¹⁸¹ Carpenter, Born of War, 5

¹⁸² Carpenter, Born of War, 5

¹⁸³ Carpenter, Born of War, 5

¹⁸⁴ Carpenter describes a scene from Kosovo in which a mother snapped the neck of her newborn after delivery, right in front of a WHO nurse. (Carpenter, Born of War, 5)

¹⁸⁵ Carpenter, Born of War, 12

their mother's group.¹⁸⁶ However, there is always hope. Many women's and religious organizations have acted specifically to counter the assumption that children born of rape are "of the enemy." "Indeed, despite stories of stigma, rejection, physical abuse, and neglect in communities worldwide, there are many stories of extended family member accepting and supporting abused women and their children."¹⁸⁷

A serious problem in regards to war-rape pregnancies is that female bodily autonomy and sexuality also become victims of war. One of the cruelest backlashes against women after war is the curtailing of abortion rights. Zarkov, Drezig, and Djuric-Kuzmanovic highlight "a particularly feature of the post-war backlash in the region [Balkans] as being the reduction of women's rights to abortion, as compared with the pre-war situation. As these were wars in which mass rape was a key weapon of war [footnote: really, of ethnic cleansing], this constitutes a form of violence against women having to bear the consequences of giving birth to children conceived under such horrific circumstances."¹⁸⁸ The argument here isn't that all women pregnant by war-rape should or should not abort, but that the choice should be allowed to the women in part as a way of rebuilding a sense of bodily

¹⁸⁶ Carpenter, Born of War, 6

¹⁸⁷ Carpenter, Born of War, 12

¹⁸⁸ Pankhurst, Gendered Peace, 5

autonomy. Here we see the state working as an instrument in controlling women's sexuality, one of many ways in which the state helps to force women "back" into perceived "traditional" life after conflict when the state "...imposes legal, or supports social, restrictions on women's movement, access to housing, jobs, and property (especially land), and marginalizes women's health needs. In many cases such official policy outcomes are reinforced by the practices of international organizations which do not actively seek the opinions of women or fail to promote their interests where this might be deemed 'culturally insensitive.'" ¹⁸⁹

Additionally, the way rape is prosecuted can have deep impacts on gender dynamics and sexual violence after conflict has ended. When mass-rape occurs during war and is not prosecuted effectively after war, "it is extremely difficult to bring prosecution for rape in the post-war setting" for rape that occurs after conflict has ended and is "an issue that remains as much a problem as when it was highlighted over a decade ago in the UN." ¹⁹⁰ Truth commissions don't necessarily have a better track record than tribunals. "Abuses to women are both the most under-reported to truth commission and the least prosecuted...After prompting from women activists, the TRC tried to create an enabling environment where women could feel safe to speak

¹⁸⁹ Pankhurst, Gendered Peace, 4

¹⁹⁰ Pankhurst, Gendered Peace, 9

out; but even then few could find the words or courage to speak publicly of sexual violation. Some women-only hearings were then held, which many women regarded as successful in addressing the problem."¹⁹¹

This, also affects female children who were victims of sexual violence during the conflict. "Children's rights have been taken more seriously over the last decade, with the plight of former child soldiers receiving a great deal more of attention and increasing international support, but the focus still remains on boys' war experiences rather than girls. Many experiences of girls...remain hidden."¹⁹²

This shows that women and girls face unique sets of problems—than men—both in war and peace. These unique problems are often overlooked in the peace and reconciliation process, in part because women themselves have no say in the process; this leads to a discussion on the particulars of what Rwandan and Bosnian women have done to voice their concerns in the public arena.

Effectiveness of Women's Involvement

Regarding the effectiveness of these various processes, Pankhurst writes that "there have been some striking successes in using international frameworks to increase the representation of women. In post-war settings in particular there are sometimes opportunities for

¹⁹¹ Pankhurst, Gendered Peace, 11

¹⁹² Pankhurst, Gendered Peace, 9

pushing forward reforms and innovative approaches, where the desires of international donors and local women's groups coincide."¹⁹³ But peace and reconciliation aren't simply about female representation in the peace process or even in government—it is about the prosecution of rape, the acceptance of women's unique and equally multi-faceted war experiences. It's about the inclusion of women and their lives as equally "normative" as men's lives and experiences.

Organizations that focus on including women in the general application of their goals can meet with greater success. Organizations are finally realizing that their policies may be failing because they have ignored 50% of the population. “In essence, many development policies often failed because they ignored gender issues, and it became apparent (through the theoretical and empirical work of feminist academics and practitioners) that if gender were taken into account a far greater degree of success could be achieved.”¹⁹⁴

¹⁹³ Pankhurst, Gendered Peace, 15

¹⁹⁴ Pankhurst, “The 'sex war'”, 157

Part Three

Rwanda's Future

Today, Rwanda has a greater number of women in Parliament than in years past. However, Rwanda is stagnant politically as it is tied up with the decades-old war in the Democratic Republic of Congo on Rwanda's northern border. This entanglement has brought accusations of human rights violations against various factions in the Congo—including the expatriate Hutus who fled upon the Rwandan Patriotic Fronts (RPF) taking of Kigali in 1994. The warfare in the Congo has led to millions of death and has made the Congo one of the rape capitals of the world.

Since the genocide, the nation has tried to rebuild internally. Paul Kagame, former leader of the RPF and president of Rwanda, has the only recently begun to free the press and other media outlets. "Rwanda held its first local elections in 1999 and its first post-genocide presidential and legislative elections in 2003. Rwanda in 2009 staged a joint military operation with the Congolese Army in DRC to rout out the Hutu extremist insurgency there and Kigali and Kinshasa restored diplomatic relations."¹⁹⁵

¹⁹⁵ CIA, World Factbook: Rwanda

The Future of Bosnia-Herzegovina

For the process to be effective, connections must be completed among the peace process, institutional rebuilding, democratization processes and reconciliation. This “has yet taken root in such a way as to enable one to say that BiH’s future can be definitively guaranteed.”¹⁹⁶

However, great strides have been made. Today there is a state-level Ministry of Defense and political assassinations and ethnic violence are almost non-existent.¹⁹⁷ (Conversely, violence related to organized crime is rampant.) “Public opinion polls consistently demonstrate that people are interested in their economic well-being more than they are in issues of national or political dominance...people prefer this cold peace [to war].”¹⁹⁸ Valery Perry argues that little permanent change will occur until individual citizens become galvanized into action, to “change the game of sum-zero politics into one in which citizens’ needs are paramount, identity is a choice and there is a space for the multiple levels of reconciliation to intersect and mutually strengthen one another.”¹⁹⁹

Of course, all of this comes after the Bosnian war and the subsequent war in Kosovo in the mid to late 1990s. In June of 1999

¹⁹⁶ Quinn, Reconciliation(s), 208

¹⁹⁷ Quinn, Reconciliation(s), 227-228

¹⁹⁸ Quinn, Reconciliation(s), 228

¹⁹⁹ Quinn, Reconciliation(s), 228

Milosevic accepted defeat regarding Kosovo. Most importantly, in the September 2000 elections, thanks to mass civil disobedience—due in large part to women’s activism—Milosevic lost. Before Milosevic died in 2006, he was at The Hague where he was on trial for crimes against humanity in Croatia, Bosnia and Kosovo.

In Bosnia and Rwanda, both male and female survivors are still awaiting justice and hoping for lasting peace. Even with all of the problems faced by women in both countries, they continue to work towards their goals and attempt to realize their dreams of peace.

Concluding Remarks

Peskin argues that the “twenty-first century ushered in a golden age for international rights” because of “the establishment over the previous five decades of numerous international conventions and treaties outlawing human rights abuses.”²⁰⁰ Lt. Gen. Romeo Dallaire counters that argument in *Shake Hands with the Devil*, his memoir from his service as force commander of the UNAMIR mission. Dallaire writes “As the nineties drew to a close and the new millennium dawned with no sign of an end to these ugly little wars, it was as if each troubling conflict we were faced with had to pass the test of whether we could ‘care’ about it or ‘identify’ with the victims before we’d get involved.” Dallaire, quoting Michael Ignatieff, continues with: “The

²⁰⁰ Peskin, International Justice, 4-5

concept of human rights assumes that all human life is of equal value. Risk-free warfare presumes that our lives matter more than those we are intervening to save.”²⁰¹ Though Peskin may be right about the global community making great strides in recognizing and enshrining basic human rights into the international legal system, the actual action to prevent the abuse of these rights is hard to muster. Simply put, the global community is good with words but oftentimes fails to act.

What then does this suggest for the process of reconciliation? It indicates that our refusal to put bodies on the ground to prevent massive human rights violations demonstrates our apathy for real human rights—real equality. Women are shunted aside even though they have as large a stake—if not larger—in the creation of peace. As long as we let our foreign policy be dictated by our feelings rather than our laws, we lose what really matters—justice. Genocide and ethnic cleansing are illegal acts, yet we never treat them as such during their occurrence. Our attention spans are so short that, even once we’ve been woken up to what is going on around us, the issue quickly loses its potency and our interest. This is a problem that has long-lasting consequences for the peace and reconciliation processes. What most academics agree upon, even those who disagree with each other in regards to the details, is that peace and reconciliation **take time**.

²⁰¹ Romeo Dallaire. Shake Hands With the Devil: The Failure of Humanity in Rwanda. (Lodnon: Arrow Books, 2003) 517

Ethnic identities built from history, attitudes that are generations in the making, do not disappear overnight after ethnic conflict especially when one group has attempted to obtain the utter annihilation of the other. "It has become commonplace these days to define ethnic pride or self-respect so that they are incompatible with forgiving. Indeed, the willingness to forgive is seen as a moral flaw."²⁰²

This paper argues that women have as much invested in the peace and reconciliation process as men; this is not due to any inherent feminine qualities, but rather the simple idea that women, as half the world's citizens, should have their stories and experiences accepted in the larger discussion. Half a population is not a minuscule minority—maleness is not normative because men overwhelm women in numbers. The male experience is normative only because cultural developments have made the male experience the normative one. Women's vocalized experiences in war are just as necessary as men's to bring about a more peaceful society. "Women's experiences systematically differ from the male experience upon which knowledge claims have been grounded. Thus the experience on which the prevailing claims to social and natural knowledge are founded is, first of all, only partial human experience only partially understood: namely, masculine experience as understood by men. However, when this

²⁰² Quinn, Reconciliation(s), 23

experience is presumed to be gender-free—when the male experience is taken to be the human experience—the resulting theories, concepts, methodologies, inquiry goals and knowledge-claims distort human social life and human thought."²⁰³

Understanding women in their multi-faceted role of warrior, peace-keeper, victim, survivor, mother, wife, sister, daughter, ethnic is essential. "Women are often expected to identify themselves with reconciliation and peace-building interventions, in the same way as the idea of women's inherent peacefulness may be co-opted or deployed to reduce hostilities during war-time."²⁰⁴ That is not to say that women as peace-keepers is bad per se, however it is if it is used against women's healing processes. If post-war rape victims are told to keep quiet to preserve the process or if women are not allowed to discuss their experiences as warriors and bush-wives because it might dampen their credibility as peace makers then these are negative consequences. Men and women are soldiers, victims and perpetrators, spouses, children, siblings, survivors. Their experiences cannot be understood without the context of the other, just as one hand cannot clap alone.

²⁰³ Harding and Hintikka, quoted in Peterson, Gendered States, 7

²⁰⁴ Pankhurst, Gendered Peace, 10

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