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GENDER AND NEW WARS

Christine Chinkin and Mary Kaldor

War plays an important role in the construction of gender, or the social roles of men and women. This article analyzes the gendered experience of what Kaldor calls “new wars.” It shows that new wars are largely fought by men in the name of a political identity that usually has a significant gender dimension. They use tactics that involve deliberate attacks on civilians, including systematic rape as a weapon of war, and are financed by predatory economic activities that tend to affect women more than men. The article describes the ways in which laws relating to gendered violence have been strengthened since the 1990s, arguing that implementation has been very weak. The article concludes that the construction of masculinity in new wars, in contrast to the heroic warrior of “old wars,” is much more contradictory and insecure. On the one hand, extreme gender differences can only be secured through continued violence; on the other hand, the very contradictory and insecure character of masculinity offers a potential for alternatives. By looking at new wars through a gender lens, it is possible to identify policy options that might be more likely to contribute to a sustained peace. These include support for civil society, which tends to involve a preponderance of women, implementation of law at local and international levels, and greater participation of women in all aspects of peacemaking, including peacekeeping and law enforcement.

War is a predominantly male activity. It is fought largely by men, and statistics suggest that young men of military age are most likely to be killed in war, whether as combatants or as civilians. This cannot be explained in terms of the biological differences between men and women. Women are capable of being effective soldiers; they can and do join fighting forces, and women get killed in battle as well as in attacks on civilians. Instead, the significance of the predominance of men engaging in warfare lies in the way that gender is constructed in war.

In referring to gender, we mean “a set of cultural institutions and practices that constitute the norms and standards of masculinity and femininity.” Although individual men and women may not necessarily conform to these stereotypes, masculinity is largely associated with physical strength, action, hardness, and aggres-
But in according greater value to the traits of masculinity, the traits of femininity are correspondingly undervalued, which may lead to discrimination and even gender-based violence against those associated with feminine traits.

Many scholars have remarked that war enhances and extols the value of traits associated with masculinity. Indeed, as Steans has noted, "militarists use the myth of war's manliness to define soldierly behaviour and to reward soldiers." Soldiers are deemed "heroes," and this gives rise to the dichotomy between the images of the "protector" (male) and the "protected" (female). Such images are used to legitimize recourse to conflict, thus raising public acceptance of the violence of conflict and of the necessity of subjecting primarily young men to injury and death. These images also disguise both the multiple active roles women play, and the actuality of gender-based violence during conflict. The terms "protected" and "victim" used to describe women imply weakness and subordination, which, in turn, perpetuate women's lack of empowerment in peacetime situations and mask the reality of women's experience of violence and insecurity.

Our argument is that there are specific differences in the way gender is constructed in different types of wars. In particular, we suggest that "new wars," as described by Kaldor, can be interpreted as a mechanism for rolling back any gains women may have made in recent decades. If war is critical for the construction of gender difference, then greater gender equality, especially among international peacebuilding agencies, may offer a way to achieve sustainable peace. By investigating the distinctive gendered nature of new wars, it should be possible to identify new approaches and policies aimed at transforming violent situations. In doing so, we pay particular attention to the specifics of gendered violence, which occurs in all wars but takes different forms. An implication of our analysis suggests that the kind of masculinity constructed in new wars is deeply contradictory or ambiguous, and consequently, new possibilities for change may come out of this ambiguity.

In the first section, we outline the different ways that men and women experi-
ence new wars in contrast to “old wars,” and draw some conclusions about the con-
struction of gender relations. The second section briefly describes the evolution of
international law that deals with gender relations in war, drawing upon Chinkin’s
work on feminist approaches to international law. Lastly, the concluding section
discusses the implications of a gendered analysis for alternative approaches aimed
at reducing violence in general.

The Gendered Experience of New Wars

Men and women tend to experience war differently, particularly in the ways
men and women are susceptible to and experience violence as a result of their sex
or gender. These experiences also vary according to different types of war.

Many terms have been used to conceptualize contemporary conflict: wars
among the people, wars of the third kind, hybrid wars, privatized wars, or post-
modern wars. For the purpose of this article, the term used is “new wars.” The
term “new wars” is used to distinguish contemporary political violence from the
predominant “old war” conception that tends to underlie both scholarly analysis
and policymaking. The concept of “old wars” is drawn from the experience of
twentieth century wars in Europe. “New wars” are not necessarily empirically new,
although it would be odd if there were not some new characteristics. Rather, they
are different from the stylized conception of old wars; the point of developing an
analysis of new wars is to draw attention to the problem of retained “old war”
thinking on the part of scholars, policymakers, and legal advisers. Indeed, “old
wars” may only exist insofar as they are an idealized conception of war that is con-
trasted with the analysis of new wars. For example, the international legal regime
pertaining to conflict, otherwise known as international humanitarian law or the
“laws of war,” is based on a perception of old wars.

By and large, new wars refer to conflicts currently taking place in different
parts of the world. The generalizations that we make about new wars do not neces-
sarily apply in all types of contemporary violence. Various forms of international
military intervention, including the use of force for counter-terror operations, for
example, are outside the scope of this article. Nevertheless, we do touch on some of
these forms, as “old war” thinking on the part of those engaged in military activi-
ties often ends up exacerbating “new war” tendencies, as was the case in Iraq and
Afghanistan.

New wars have a different logic from old wars, stemming from differences in
the type of actors, the goals, the tactics, and the forms of finance. In particular,
old wars tend to be extreme in the sense of maximizing and totalizing violence,
while new wars tend to be persistent and more difficult to end. In what follows, we
outline those differences, drawing out the specific ways in which they affect the

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differing experiences of men and women, and what this means for the construction of gender relations.

**Actors**

Old wars were fought by uniformed regular armed forces, who were subject to national military codes. In contrast, the participants of new wars are networks of state and non-state actors. They include remnants of regular armed forces, paramilitary groups, warlords, jihadists, mercenaries, private security contractors, and criminal groups. For example, in Syria today, the anti-government forces include brigades formed from defecting regular soldiers, civilians, jihadists drawn from all over the world, the Al-Qaeda affiliate Jabhat al-Nusra, Kurdish brigades, and gangs whose numbers have been augmented by criminals released from jail by the Assad regime. Collaborating with regular forces on the government side is the militia Shabiha, as well as non-state groups from abroad, most notably Hezbollah.

As in old wars, the fighters are predominantly male, with media reports depicting the leaders of such networks in ways that exemplify the construction of the physical and representational aspects of wartime masculinity. Kaldor has previously described how the Serbian paramilitary leader Željko Ražnatović, better known as “Arkan,” epitomized this concept of masculinity during the Bosnian War. A notorious figure in the criminal underworld, he led the fan club of Belgrade’s Red Star soccer team, from which he recruited members of his paramilitary group known as the “Tigers.” According to the United Nations Commission of Experts established by the United Nations Security Council to investigate war crimes in the Bosnian War, the Tigers’ hair was “cut short, and they wore black woollen caps, black gloves cut off mid-finger, and black badges on the upper arm.” Similarly, the Commission reported that members of a Croatian group called the “Wolves” wore “crew-cuts, black jump-suits, sunglasses and sometimes masks.” As befits the tendency to hunt in “packs,” the various paramilitary groups called themselves names such as “Tigers,” “Wolves,” or “White Eagles.”

In both old and new wars there are, of course, examples of female participation. For instance, reportedly 8 percent of the Soviet armed forces were women at the peak of the Second World War; some reports estimate that women made up approximately one-third of fighters in the Eritrean People’s Liberation Front, while women fighters were famed among Nicaraguan Sandinista guerrillas. Currently, there is widespread reporting of female fighters in Syria, especially in the Kurdish areas. During the Bosnian War, there were reports of at least two women’s brigades on the Serbian side—one formed in Glina in December 1991, led by a Serbian woman called Dušica Nikolić, and one formed in 1993 called the “Maidens of Kosovo”—as well as women fighters on the Croat and Bosnian sides.
The women were mythologized in local media, portrayed variously as “modern­day Amazons,” “patriots,” and “warriors,” thereby sending a message of shame to men who had not volunteered to fight.\(^\text{19}\) Nikolić is reported to have described men sitting in cafes in Belgrade as “not real Serbs.”\(^\text{20}\) At the same time, enemy women soldiers were portrayed as monsters—that is, as not conforming to the feminine images of “real” women.\(^\text{21}\)

**Goals**

New wars are largely fought in the name of identity—ethnic, religious, or tribal—rather than for ideological or geopolitical goals. That is to say, the expressed goal of new wars is exclusive: access to the state for those identified with a particular label. Religious wars can be about ideas, such as the imposition of Sharia law, or about identity, such as the right to exclusive political power for Muslims or Orthodox Christians. The religious wars of seventeenth century Europe between Protestants and Catholics were ideological, dealing with the break-up of the Church’s power and the role of individuals; by contrast, the war in Northern Ireland from 1969 to 1998 was about the identity and the rights of different religious communities to political power. Neither in Northern Ireland nor in the former Yugoslavia could individuals change allegiance by converting from one religion to another, as these were ascribed identities. Such was also the case for Hutus and Tutsis in Rwanda and Burundi.

War is an important mechanism through which identities are constructed and “fixed,” through the imposition of a binary “us” and “them.”\(^\text{22}\) Even if previously they thought of themselves as Yugoslav or Rwandan, people began to self-identify as Muslim or Tutsi because these were the identities that caused them to be targeted by those claiming opposing identities (Serbs and Croats in Bosnia; Hutus in Rwanda) during the violence. As several writers have observed, the identities constructed in war, whether ethnic, religious, or tribal, tend to be closely linked to gender. For example, as Julie Mertus has put it:

> There is no gender identity prior to the performance in which it is expressed. . . . Similarly, there is no national identity prior to the performance in which it is expressed. Performances of gender and performances of national identity intertwine: the boundaries of each shape the corners of the other.\(^\text{23}\)

In the wars in the former Yugoslavia, the various national and religious iden­
tities (Serb, Croat, Muslim, and Kosovar Albanian) all had significant gender dimensions. Typically the nation was characterized as the mother, and the political leader, almost always a man, was characterized as the father. Ethnic nationalism was associated with a warrior mythology and a history based on battles lost or won. Moreover, national identities were imposed on both men and women as their primary identities. Being a woman was subsumed under a particular national identity, and attempts to express commonality with other women across national identity lines could be regarded as disloyalty.

Another common—and gendered—theme in national discourses is the emphasis on demographics. Among certain nationalist circles in Serbia in the early 1990s, there was much talk of a declining birth rate. In particular, Serbs were said to be subjected to a “genocide” in Kosovo because of a dramatic decline in the proportion of Serbs in the overall population of Kosovo. This was both because Serbs were leaving the province for economic reasons and it was claimed that they faced “ideological and institutional discrimination,” and also because Serbs had a much lower birth rate than Albanians. A famous memorandum published by the Serbian Academy of Sciences and Arts in 1986 claimed that Serbs were subjected to “physical, political, legal, and cultural genocide” in Kosovo. The Serbian Orthodox Church, the Serbian Academy of Sciences and Arts, and the National Statistical Agency all exhorted women to have more babies, and a new anti-abortion law was passed in 1993. As Papić puts it, “ethnic nationalism is based on a politics of specific gender identity/difference in which women are simultaneously mythologized as the Nation’s deepest “essence” and instrumentalized as its producer.” In Croatia, various conservative organizations were established, among them the Croatian Population Movement and the Institute for the Protection of Motherhood, Family and Children, which called for women to have more children and opposed abortion.

At the same time, feminists and gays were vilified in the press. Pavlović writes:

Sexism and homophobia are correlates of this national chauvinism. . . . In such a climate, any fluidity of identity becomes impossible: you must be a Croat before all else or you will find yourself excluded. By a strange logic of reversal, feminists are accused of rape and homosexuals are transformed into Serbian aggressors.

The same kind of association between gender construction and identity construction is found in new wars involving religious identities, although of course, religious and national identities are often intertwined. Fundamentalist religious movements, whether Muslim or Christian, tend to be associated with Armageddon tendencies, relating to the idea of a final battle espousing deeply conservative atti-
tudes towards gender, as we know from the examples of the Taliban in Afghanistan or the Christian right in the United States.32

Means

In old wars, battle—the clash between opposing military forces—was the decisive encounter. The goals of the war were to be achieved through the military capture of territory. In new wars, by contrast, battles are rare, and the main violence is directed towards civilians. The goals are to be achieved through the political control of territory. Violence represents a form of control based on fear, and a way to expel or kill those who disagree or have a different identity.

Statistics suggest that men of military age tend to be targeted first in attacks on civilians, although large numbers of women, children, and old men are killed, as well. For example, the Research and Documentation Center in Sarajevo estimated that the total number of people killed during the war in Bosnia was 97,207, of which 34,581 were civilians. Some 9,901 women were estimated to have been killed; in other words, nearly 90 percent of all deaths, and over 60 percent of civilian deaths, were men.33 Civilian women are the main victims of extreme sexual violence, but not the only victims, as there are plenty of examples of homosexual rape and mutilation.34 The evidence suggests that rape in new wars is a systematic part of the strategy of political control, a “tactic of war.”35 In Bosnia and Herzegovina, for example, reports by human rights NGOs and international agencies exposed the systematic pattern of sexual violence, including the establishment of rape camps. The UN Commission of Experts, which investigated human rights violations in Bosnia and Herzegovina during the war, cited a report from the Slovenian newspaper Delo in which a plan by the Yugoslav National Army reportedly called for mass rape as an instrument of psychological warfare.36 According to the article, the plan stated that an “[a]nalysis of the Muslim’s behaviour showed their morale, desire for battle, and will could be crushed most easily by raping women, especially minors and even children . . . “37

According to the Croatian writer, Slavenka Drakulić:

What seems to be unprecedented about the rapes of Muslim women in Bosnia (and, to a lesser extent, Croatian women too) is that there is a clear political purpose behind the practice. The rapes in Bosnia are not only a standard tactic of war, they are an organized and systematic attempt to cleanse (to
move, resett le, exile) the Muslim population from certain territories...The eye-
ewitness accounts and reports state that women are raped everywhere and at
all times, and victims are of all ages, from 6 to 80. They are also deliberately
impregnated in great numbers... held captive and released only after abortion
becomes impossible. This is so they will ‘give birth to little Chetniks [Serb
paramilitaries],’ the women are told.38

Sexual violence has
been a pervasive
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In some old wars, it
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A similar pattern can be observed in other new
wars. In Rwanda, gender crimes were evident in the
genocide in 1994; Tutsis and moderate Hutus—that
is to say Hutus who did not support the genocide—
were mutilated and killed, and women were also
sexually mutilated and raped.39 In its jurisprudence,
the International Criminal Tribunal for Rwanda
has relied upon the Convention on the Prevention
and Punishment of the Crime of Genocide, which
defines genocide as an act when “committed with
int end to destroy, in whole or in part, a national, eth-
nical, racial, or religious group.”40 Sexual violence of
a systematic character has also been widespread in
the Democratic Republic of Congo (DRC).41 Recent
reports coming out of Syria suggest a similar pattern
that includes detention in rape camps. While rape has been committed by both
government and rebel forces, there does appear to be a systematic use of rape to
empty areas controlled by or sympathetic to the rebels.42

Sexual violence has been a pervasive feature of all wars throughout history.
In some old wars, it has been deliberate and systematic, not just a side effect of
a dangerous male activity. For instance, the Women’s International War Crimes
Tribunal, of which Chinkin was a member, found that the Japanese “comfort sta-
tions,” where women were forced to provide sexual services to Japanese soldiers in
the 1930s and 1940s, were a state-institutionalized phenomenon.43 The women
were “recruited” through various means, including deception, coercion, and brutal
force, from all areas where Japanese authority held sway, either as a colonial power
(Korea and Taiwan) or through military occupation.44 As the Tribunal describes,

Procuring and securing women for these stations was an integral part of the
war strategy, admittedly intended to deter open rape in occupied territory,
limit anti-Japanese resistance among the local populace, avoid international
disgrace and protect the Japanese soldiers from venereal disease.45
Although the trauma and suffering is no different, the nature of the instrumenta-
tization in new wars is very different. There is little concern about opprobrium,
security leaks, or the spread of venereal disease. The rapes are deliberately public,
and are meant to instill fear in local populations as part of a plan to destroy or
control local communities.

There are, of course, other types of gendered violence that can be found in
contemporary wars, in addition to the use of systematic rape as a military tactic.
The Special Court for Sierra Leone concluded that:

Women and girls...were often abducted in circumstances of extreme violence,
compelled to move along with the fighting forces from place to place, and
coerced to perform a variety of conjugal duties including regular sexual inter-
course, forced domestic labour such as cleaning and cooking for the “husband”,
endure forced pregnancy, and to care for and bring up children of the “mar-
riage.”

The treatment of child soldiers is also gendered in new wars. Judge Elizabeth
Odio Benito of the International Criminal Court (ICC) presented a dissenting
opinion about the absence of any reference to sexual violence in the case against
Thomas Lubanga in the DRC:

Sexual violence and enslavement are the main crimes committed against girls
and their illegal recruitment is often intended for that purpose (nevertheless
they also often participate in direct combat). . . . It is discriminatory to exclude
sexual violence which shows a clear gender differential impact from being a
bodyguard or porter which is mainly a task given to young boys.

In other words, women and girls’ socially assigned caring roles make them vulner-
able to targeted attack, including sexual violence, in a range of situations.

Forms of Finance

Old wars were financed by taxation and were typically associated with a war
economy that was centralizing, autarchic, and totalizing, involving all citizens. In
particular, during the two world wars, women were drawn into the labor force in
large numbers. New wars are almost exactly the opposite. Taxation is low, so the
warring factions have to find other ways to finance their activities. New war econom-
ies are decentralized and open to the global economy. Participation in military
activity tends to be low, and unemployment tends to be high. The ways in which
the warring groups finance their activities are usually directly related to violence.
These methods of financing include: looting and pillaging; setting up checkpoints
where assets such as televisions, cows, and foreign currency are “exchanged” for
necessities; “taxation” of humanitarian aid; financial support from the diaspora; kidnapping and hostage-taking; and various kinds of criminal activity, especially stealing and smuggling valuable commodities such as oil, diamonds, drugs, and humans. Typically, women are harder hit by these activities, both directly—such as through human trafficking or the growth of the sex industry, which is associated with many new wars—and indirectly, through the various ways by which the aforementioned forms of resource extraction affect their daily lives.

Taken together, these various aspects of new wars explain the tendency for their longevity. Both for political reasons—the need to underpin identity politics—and for economic reasons—the need to maintain access to resources—the various warring parties acquire a vested interest in continued violence. What gets established is a predatory set of social relations that are difficult to contain in time and space. They are disseminated through identity politics, especially through refugees and internally displaced persons. Likewise, they spread through transnational criminalized networks, which are the vectors of various types of illicit activity. They are difficult to end because neither side has an interest in winning; rather, they may benefit from the perpetuation of violence. Thus, new wars can be described as a kind of mutual enterprise, in contrast to our conception of old wars as a contest of wills.

When peace agreements are negotiated by the international community, the participants, typically leaders of the warring factions, are those with a vested interest in sustaining violence and entrenching their positions of power. This is why peace agreements do not necessarily end the violence, particularly in regards to criminality and gender-based violence. Even where women have participated in the fighting, they are rarely involved in peace processes, and thus are excluded from positions of power in post-conflict societies.48 This is why the distinction between conflict and post-conflict, and the distinctions between political, criminal, and gender-based violence, are blurred in new wars.

Moreover, international agencies are often drawn into the predatory political economy or the mutual enterprise. In a distortion of the roles of “protector” and “protected,” the greater deployment of UN and regional peacekeeping forces since the end of the Cold War has been marred by allegations of sexual exploitation and violence against women and girls.49 The impunity caused by the immunity of peacekeepers from local jurisdictions, coupled with the lack of disciplinary action by the troop-contributing state, has undermined the legitimacy of the missions and led to the assertion of a zero tolerance policy.50 The possession of small arms and weapons by law enforcement officers can become another source of insecurity.51 Likewise, peacekeepers have been involved in smuggling activities, especially human trafficking. In both Iraq and Afghanistan, Western forces have
relied heavily on private security contractors who have also engaged in predatory and abusive behavior.52

In combination, all these factors—the predominance of male participation, the constructed links between national and gender identity, the differential forms of violence against men and women, and the predatory social relationships that tend to affect women more than men—contribute to the construction of extreme gender inequalities. As in all wars, the predominance of men, as fighters and as “martyrs,” is an essential basis for the construction of a particular form of masculinity. Raped and murdered women do not die as heroines, as Kesic points out.53 All the same, there is a difference between the heroic warrior of old wars—who is supposed to only fight other heroic warriors and to act in honorable and chivalric ways, thereby keeping the actuality of gender-based violence out of sight—and the new warrior who deliberately engages in excessive violence against civilians, including women.

In her study of Russian servicemen fighting in the Chechen wars, Maya Eichler suggests that in the Chechen wars, the ideal of the heroic warrior of the Second World War and the Cold War was severely challenged.54 On the one hand, many soldiers were unwilling to fight, especially in the first Chechen war; the idea of killing people “like us” caused distress among soldiers, and led to high levels of draft evasion.55 On the other hand, soldiers were portrayed as using excessive violence, and many experienced post-traumatic stress and marginalization in society after the wars.56 One can argue that what she calls the “contradictions of militarized masculinity” is characteristic of new wars.57 The low participation in new wars, the systematic application of deliberate gendered violence against civilians, and the difficulty of sustaining exclusive identities because of the link between gender and national or religious identities in a world of open communication, all contribute to a masculinity that is ambiguous, insecure, and violent.

One implication is that persistent violence can be explained in gender, political, and economic terms. The extreme gender inequalities associated with new wars can only be sustained through continued violence, precisely because the masculinity associated with “new wars” is so ambiguous and insecure. The other implication is that the very insecurity of the masculinities constructed in new wars opens up possibilities for alternatives, as we explain in the conclusion.
GENDER AND INTERNATIONAL LAW

Human rights are based on an assumption of universalism; according to Article 1 of the Universal Declaration of Human Rights (UDHR), "All human beings are born free and equal in dignity and rights." Accordingly, the International Covenant on Civil and Political Rights (ICCPR) states that "All people are equal before the law and are entitled without any discrimination to the equal protection of the law." However, it has become accepted in human rights law that in order to achieve substantive equality—that is, real equal enjoyment of rights, equal opportunities, and choices, and not merely legal guarantees of rights—it may be necessary to redress structural and social disadvantage, and to accord differential treatment to some groups. Such differential treatment is not wrongful discrimination. One such group consists of people who are discriminated against and are targets of violence because of their sex or gender. Discrimination on the grounds of sex was prohibited by the Charter of the United Nations, the UDHR, the ICCPR, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). In response to the reality that "despite these various instruments, extensive discrimination against women continues to exist," the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) condemns discrimination against women on the basis of sex. Currently, 187 states are party to CEDAW. Since 1979, there has been a greater understanding by international organs and legal regimes as to how social constructions, not only of biological sex, but also of gender—"the social meanings given to biological sex differences"—impact the "distribution of resources, wealth, work, decision-making and political power...within the family as well as public life...Thus, gender is a social stratifier...[which] helps us understand the...unequal structure of power that underlies the relationship between the sexes." In 2010, in further support of this understanding, CEDAW affirmed "that the Convention covers gender-based discrimination against women."

Since the 1990s, at least partly in response to the excesses of new wars, there has been greater recognition of the gendered experience of violence and the need to seek ways to address it, at least more formally. Gendered violence does not just happen to women, or to men, but is motivated specifically by "factors concerned with gender." Accordingly, international human rights law recognizes violence against women as "violence that is directed against a woman because she is a woman or that affects women disproportionately." States must exercise due diligence to prevent, investigate, prosecute, and punish such violence. Through a range of provisions, international humanitarian law also prescribes gender-based violence committed during armed conflict and forbids attacks on personal dignity, in particular humiliating and degrading treatment. The jurisdiction of the ad hoc inter-
national criminal tribunals and the International Criminal Court (ICC) defines crimes of sexual violence, such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence, as war crimes and crimes against humanity. Some prosecutions have been successfully pursued with respect to such violence against both women and men, although there are also cases where charges have not been brought despite significant testimony of sexual and gendered violence.67

The number of cases prosecuted at the international or national level remains low. The low reporting rate, fear, gender stereotypes, and myths about sexual violence all inhibit access to justice and contribute to a climate of impunity. Other significant obstacles to preventing, investigating, and prosecuting the killings of women include the failure of police intervention, a lack of implementation of security measures for women, repeated attacks on law-enforcement officials and women’s rights advocates, and inaccessible detention locations in areas under the control of insurgents and other illegally armed groups. Institutional weakness also results in impunity in cases of gender-related killings of women, as a lack of respect for the rule of law, corruption, and poor administration of justice are the norm.68 Despite the widely accepted definition of trafficking as a transnational organized crime in the Palermo Protocol, there remain many legal and practical obstacles to its successful prosecution.69

The Security Council thematic program relating to women, peace, and security has recast gendered violence as a threat to international peace and security, thereby implicitly linking it to human security.70 The groundbreaking first resolution, United Nations Security Council Resolution (UNSCR) 1325, is based upon four pillars—prevention, protection, participation, and relief and recovery—which are similar to the three pillars underpinning the much-publicized concept of the Responsibility to Protect (RTP).71 However, there remains a disconnect between, and compartmentalization of, the relevant legal regimes. UNSCR 1325 and RTP are not necessarily understood as complementary and mutually reinforcing, especially with respect to prevention and participation in all stages of peace and security processes. Despite its constant repetition and the reiteration by the Secretary-General that “Sexual violence, when used in conflict as a method or tactic of warfare, must be recognized in provisions for security arrangements,” UNSCR
1325 is not implemented, and few ceasefires or peace agreements make any reference to conflict-related sexual violence. UNSCR 1888 added institutional bodies, notably the authorization of a special representative of the Secretary-General "to provide coherent and strategic leadership" across UN agencies seeking a coordinated approach to sexual violence in armed conflict. Building on the earlier resolutions, UNSCR 1960 introduces new compliance processes into the women, peace, and security agenda. This involves monitoring, reporting, and analysis to ensure "the systematic gathering of timely, accurate, reliable and objective data" and the naming and shaming of individuals that are "credibly suspected of committing or being responsible for patterns of rape... in... armed conflict." However, the latter can only be effective if real shame is incurred by those committing such acts, as well as denunciation through their prosecution. A willingness to resort to sanctions against perpetrators of sexual violence in armed conflict was first expressed in UNSCR 1820; in UNSCR 1960, the Security Council expressed its intention to include rape and sexual violence as criteria in adopting or renewing sanctions in situations of armed conflict. Compliance with Article 5 of CEDAW, which requires State Parties to modify cultural attitudes and practices to eliminate harmful gendered practices and stereotypes, is also key to addressing discrimination against women and hence enhancing their security.

Impunity for perpetrators and the invisibility of survivors is a continuing reality in gender-based crimes. Impunity for violence against women compounds the effects of such violence as a mechanism of control. When the State fails to hold the perpetrators accountable, impunity not only intensifies the subordination and powerlessness of the targets of violence, but also sends a message to society that male violence against women is both acceptable and inevitable. As a result, patterns of violent behaviour are normalized. This is also seen in the high incidence of domestic violence throughout armed conflict, which continues post-conflict. It is apparent that attitudes have not changed in accordance with CEDAW Article 5.
CONCLUSION

New wars include massive violations of human rights. By targeting civilians, participants in new wars also violate a fundamental principle of international humanitarian law—that of distinction between combatants (legitimate targets in conflict) and civilians (who must not be targeted). Likewise, participants in new wars also violate domestic law by engaging in predatory economic and criminal activities. One counter-trend to the description of new wars given above is the upsurge in civil society, often involving a preponderance of women in a continuation of their “caring” roles that is frequently associated with new wars. This was the case in Bosnia and is currently the case in Syria.78 Civil society engages in humanitarian activities, providing basic necessities, trying to maintain services like schools and health clinics, helping the victims of sexual violence, reaching out across communities, and trying to stop violence by working on proposals for peace. This rise in civil society activity is associated with what Kaldor calls “islands of civility,” areas like Tuzla in Bosnia or some areas of Syria, where people try to keep out of the fighting and maintain multicultural harmony.79 Furthermore, local civil society groups often link to international civil society groups or NGOs and put forward proposals to the international community. Indeed, it is through civil society advocacy that many of the new elements of international law relating to gender have been introduced. It was women’s NGOs, for example, often linked to local civil society groups, that lobbied for the inclusion of sexual violence as a war crime in the International Criminal Tribunal for the former Yugoslavia and the ICC.80

In this essay we have argued that all wars involve the construction of gender stereotypes, and that the gender stereotypes constructed in “new wars” are different from those constructed in “old wars.” The implication of this argument is that by challenging the construction of masculinity in war, it is possible to challenge war itself. This also means challenging constructions of femininity in war. For example, women are often falsely designated as “peacemakers.” This is evident in UNSCR 1325, which offers no basis for its reaffirmation of “the important role of women in the prevention and resolution of conflicts and in peace-building,” thereby creating the assumption that this is somehow a “natural” role for women.81 This both discounts the reality of women as combatants and supporters of conflict and undermines women’s agency throughout and after conflict. Women are placed in a double bind: if they are “natural” peacemakers, their efforts in this respect are not credited, while they are simultaneously excluded from formal peacemaking processes.82 It also deflects attention from the realities of women’s peacemaking activities—working for peace can be dangerous, and those doing so should be accorded special attention by international policymakers.83 Instead, they are often
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ignored.

International efforts to address the various aspects of new wars should explicitly take gender into account, particularly regarding the specific gendered character of new wars. Efforts might be undertaken in the following policy areas:

**Civil society:** Civil society involvement makes possible policies that are relevant to the lived reality of new wars. It should include civil society groups in discussions of how to respond to violence within their particular locale as well as more generally. The involvement of civil society in peace negotiations should be mandatory, and adequate support should be provided for “islands of civility” through international guarantees of locally arranged cease-fires. The latter is akin to the Bosnian safe haven concept, but would have to be much more effective—including committing adequate and appropriate human and financial resources for robust protection, demilitarization, and policing, along with support for local political and judicial processes.84

**Peacekeeping:** Traditional peacekeeping operations are about separating the sides, largely composed of men, or holding cease-fires. This is in contrast to fighting war, which involves men taking sides largely against other men. Both therefore reinforce traditional concepts of masculinity. Peacekeeping needs to be reoriented towards protection of both sexes and law enforcement. A step in this direction is UNSCR 2098, which mandated an “Intervention Brigade” in the DRC that was under direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups and the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in eastern DRC and to make space for stabilization activities.85

**International Law:** International humanitarian and human rights law must be implemented, and there must be an end to impunity for crimes against humanity, including gender-based crimes.

**Rule of Law:** Efforts should be undertaken to reestablish rule of law and legitimate political authority at local levels through alliances with civil society, so as to provide the conditions for everyday security, legitimate forms of employment and exchange for both men and women, and the provision of public services.

**Participation and Gender Equality:** Above all, much greater participation of women is needed in all international roles, in peacekeeping, law enforcement, and at all levels of peace negotiations. This does not assume or affirm that women are peacemakers, as per the previously discussed gender stereotype; rather, it is a way to counter the gender stereotyping that is constructed in war, and by doing so, to reduce the benefits that the warring parties gain from violence. Women’s agency should be recognized as a force for change, and should be taken seriously as a
matter of equality and practicality. These suggestions are indicative of the kind of approach that could be developed if new wars are viewed through a gender lens. What we have tried to show is that new wars are gendered in extreme ways, and that the implementation of international norms is critical if we are to begin to address the problems that arise from new wars. Perhaps the most hopeful aspect of our argument is the illegitimacy of new wars in an increasingly open and globalized world, and concomitantly, the precarious character of the masculinity associated with new wars.

NOTES


5 Steans, 93.


7 Ibid.


11 See Kaldor (2012), Chapter 7. The interventions in these two countries were conceived in classic “old war” terms, and the aim was defeat of a state. However, the interventions sped up the collapse of the state, and the interveners were faced with an escalating mixture of criminality, human rights violations, sectarianism, and Islamic extremism that is characteristic of “new war” situations.


14 Kaldor (2012), 50.

15 Ibid.

16 Goldstein (2001), 22, 81, 84.


Ibid.

Ibid.

Ibid., 190.


Biljana Plavšić served briefly as woman President of Republika Srpska and her nickname was the "Iron Lady." But she became more extreme when taking on a male role. A highly educated woman, she was a genetic biologist and a member of the Academy of Natural Sciences in Sarajevo, and had spent time in the United States as a Fulbright scholar. During the war in Bosnia, she said of Muslims: "It was genetically deformed material that embraced Islam. And now, of course, with each successive generation it simply becomes concentrated. It gets worse and worse. It simply expresses itself and dictates their style of thinking, which is rooted in their genes. And through the centuries, the genes degraded further." Biljana Plavšić, Svet, Novi Sad, September 1993, cited and translated by Slobodan Inić, in "Biljana Plavšić: Geneticist in the Service of a Great Crime," Bosnia Report: Newsletter of the Alliance to Defend Bosnia Herzegovina 19 (June-August 1997), translated from Helsinška povelja, Belgrade, November 1996, quoted in Islam and Bosnia: Conflict Resolution and Foreign Policy in Multi-ethnic States, ed. Maya Shatzmiller (McGill-Queens University Press, 2002), 58. She was indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia.


This is largely explained in socioeconomic terms. Most Albanians were poor and rural based, while Serbs tended to live in cities and have higher incomes. Albanians living and working in towns had similar birth rates as Serbs. See International Independent Commission on Kosovo, The Kosovo Report: Conflict, International Response, Lessons Learned (Oxford: Oxford University Press, 2000), 38.

International Independent Commission on Kosovo, The Kosovo Report, 40.


Papić, 155. Emphasis in the original.

Pavlovic, 138.

Ibid., 152.

These phenomena have been generally described and researched in the six-volume series of The Fundamentalism Project, eds. Martin E. Marty and R. Scott Appleby, available through University of Chicago Press at http://www.press.uchicago.edu/ucp/books/series/FP.html.

Mirsad Tokaća, Bosanska knjiga mrtvih-Ljudski gubici u Bosni i Hercegovini 1991-1995 (Sarajevo: Istraživačko dokumentacioni centar, 2012). These numbers, which only included directly traceable casualties, are considerably lower than the numbers provided and widely cited at the time by the Bosnian Ministry of Information. For a discussion of the numbers, see Mary Kaldor, "In Defence of New Wars," Stability: International Journal of Security and Development 2, no. 1, art. 4, http://dx.doi.org/10.5334/sta.at.


United Nations Security Council (SC), Resolution 1820, "On acts of sexual violence against civil-
37 Ibid.
41 As noted, for instance, by the ICC in Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (Pre-Trial Chamber Decision on the Confirmation of Charges) ICC-01/04-01/07, (30 September 2008), ¶ 443.
44 Ibid.
45 Ibid.
46 Special Court for Sierra Leone, Prosecutor v. Brima, Kamara, and Kanu (Appeals Chamber Judgment) SCSL-2004-16-A (22 February 2008), ¶ 190.
47 International Criminal Court, Prosecutor v. Thomas Lubanga Dyilo (Separate and Dissenting Opinion of Judge Odio Benito) ICC-01/04-01/06 (14 March 2012), ¶ 21.
48 Describing her research in Eritrea, Annette Weber comments: “The admiration, support, and legitimation of female fighters, of women in arms was quickly devalued after demobilization. The emergency phase of war was over, now the reconstruction of state and society needed women to become normal, feminine, obedient members of society again, so that the society would not feel alienated and would continue to support the struggle despite hardships.” Annette Weber, “Women Without Arms: Gendered Fighter Constructions in Eritrea and Southern Sudan,” International Journal of Conflict and Violence 5, no. 2 (2011), 363.
53 Kesic, 187.
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55 Ibid.
56 Ibid.
57 Ibid., 138.
67 Examples of successful prosecutions include: Prosecutor v Tadić (Opinion and Judgement) IT-94-1-T (7 May 1997); Prosecutor v Furtodić (Judgement) IT-95-17/1-T (10 December 1998); Prosecutor v Kunarac et al. (Judgement) IT-93-23-T (22 February 2001); Prosecutor v Kunarac et al. (Appeals Chamber Judgement) IT-96-23/1-A (12 June 2002); Prosecutor v Thomas Lubanga Dyilo. (Judgement), ICC-01/04-01/06 (14 March 2012).
71 As first set out in “The Responsibility to Protect” (report, International Commission on
Intervention and State Sovereignty, Ottawa, Canada: 2001).


75 Cook and Cusack.

76 “Report of the Special Rapporteur on violence against women, its causes and consequences,” ¶ 19.


82 Christine Bell and Catherine O’Rourke, “Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements,” International and Comparative Law Quarterly 59 (2010), 941.

83 Kari Karame, Gendering Human Security From Marginalisation to the Integration of Women in Peacebuilding (Norwegian Institute of International Affairs, 2001), 23.

84 During the Bosnian War, the United Nations designated six areas as United Nations Safe Areas, where displaced persons could expect to be protected; they are colloquially known as safe havens. Unfortunately, insufficient resources and a weak mandate meant that the UN did not live up to its commitment, as witnessed during the fall of Srebrenica.