

# The Responsibility to Protect

Integrating gender perspectives into policies and practices

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# **The Responsibility to Protect**

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# Executive Summary

- Despite the fact that the development of the R2P principle has occurred in parallel to significant developments in the field of gender on the international scene, gender remains a neglected topic in the central documents and debates related to the Responsibility to Protect (R2P).
- There is therefore a need to consider how gender may be integrated into R2P policies and practices
- This discussion is structured around two gender perspectives, which are guided by the questions of ‘where are the women?’ and ‘how does gender work?’ respectively.
- The first gender perspective involves identifying women’s experiences in connection with mass atrocities and taking into account their role as agents in the commissioning, as well as the prevention of, and protection against, such atrocities.
- The second gender perspective involves investigating what work gender is doing in the context of mass atrocities. Here, the focus is specifically on sexual and gender-based violence (SGBV) and how this is based on, and serves to maintain or reinforce, certain notions of femininity and masculinity

Based on the first perspective, the following recommendations for the development of R2P policies and practices are made:

- Consciously look for women, make sure that a male-as-norm approach is not taken.
- Avoid relying on abstract models that may serve as obstacles to observing what is ‘really’ going on.
- Identify how mass atrocities impact on women in specific places.
- Broaden the lenses used in the identification of potential R2P situations to include women’s experiences.
- Move beyond the women-as-victims stereotype.
- Identify the particular roles women take on in the commission of mass atrocities

- Acknowledge women's role as active agents in prevention and protection activities and ensure their participation at all levels throughout the whole spectrum of R2P instruments and strategies.
- Utilise already existing knowledge and policies for women's participation developed in connection with the implementation of resolution 1325.

Based on the second gender perspective, the following recommendations for the development of R2P policies and practices are made:

- Be aware of the role that the construction of gender identities plays in the commission of SGBV.
- SGBV should be understood as violent assertions of masculinity.
- In order to identify potential R2P situations a whole new set of warning signs must be taken into account, that is, indications of a hyper-masculinized environment and indications that assertions of masculinity may turn violent, for example:
  - an increased polarization of gender roles in the society;
  - a change in gender-power relations to the detriment of the feminine;
  - gendered propaganda and hate speech in which the assertion of masculinity/denigration of femininity is clear;
  - and media 'scapegoating' of females.
- New tools must be developed to address SGBV in an R2P context:
  - A template approach to dealing with SGBV should be avoided.
  - Measures should be calibrated to deal with the intersection of gender and ethnicity as well as other identities.
  - The structures of domination that allows for SGBV to take place must be the primary focus.
  - Measures that are aimed at making hyper-masculine language unacceptable must have a central place.
  - More research must be conducted into how this may be done and whether lessons may be learnt from anti-apartheid and anti-racism work.

# Introduction

Over the past two decades, the question of how to respond in the face of atrocity crimes has received considerable international attention. Keen to avoid future tragedies like those witnessed in Rwanda and Srebrenica, UN Secretary-General Kofi Annan in 1999 (and again in 2000) urged the international community to forge consensus on this issue. In response to this plea the Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) put forward the idea of the Responsibility to Protect (R2P).<sup>1</sup> Inspired by the work of Francis M. Deng et. al, the ICISS 2001 report proposed that state sovereignty be redefined to imply responsibility for the protection of the state's population.<sup>2</sup> Moreover, sovereignty should no longer constitute a guarantee against the interference in the internal affairs of states. The report held that 'where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unable or unwilling to halt or avert it, the principle of non-intervention yields to the international responsibility to protect'.<sup>3</sup> R2P was seen as having three constitutive elements: the responsibility to prevent, the responsibility to react and the responsibility to rebuild, in connection with which the less intrusive and less coercive measures should always be considered first. The ICISS' ideas were picked up by the UN Secretary-General's High-Level Panel on Threats, Challenges and Change and remoulded in Kofi Annan's *In Larger Freedom*, which in turn formed the basis for the World Summit discussions in 2005. There, a consensus was reached, and the world leaders unanimously declared that all states have a responsibility to protect their citizens from genocide, war crimes, ethnic cleansing and crimes against humanity, and that the international community has a duty to assist states and take timely and decisive action to protect populations when states manifestly fail to do so.<sup>4</sup> This principle was reaffirmed by the UN Security Council in Resolution 1674 (2006).<sup>5</sup>

R2P as formulated in paragraphs 138 and 139 of the World Summit Outcome Document (WSOD), can be said to constitute a watered-

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<sup>1</sup> International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

<sup>2</sup> Francis M. Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild and I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996).

<sup>3</sup> ICISS, *The Responsibility to Protect*, p. xi.

<sup>4</sup> A/RES/60/1, 24 October 2005.

<sup>5</sup> S/RES/1674, 28 April 2006.

down version of the ICISS' proposal in that it limited the principle to cover only the four specific atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, by requiring a Security Council mandate for 'collective action', and by replacing 'unable and unwilling to halt or avert it' with 'manifestly failing to protect', thereby raising the threshold for intervention. This has nevertheless been described as a 'normative break-through [that] should not be undervalued'<sup>6</sup>. Acting on his pledge to make the operationalization of R2P a key priority, in 2009 UN Secretary-General Ban Ki-moon issued a report on *Implementing the Responsibility to Protect*. There, he emphasized that the principle rests on three equally important pillars: the protection responsibilities of the state; international assistance and capacity-building; and timely and decisive response.

The period in which these developments were taking place also saw increased attention to gender issues in global forums. In 1995 the Beijing Global Platform for Action was adopted at the 4<sup>th</sup> World Conference on Women.<sup>7</sup> There, governmental responsibility to protect and promote women's human rights were emphasized, and twelve areas of critical concern were identified. These included violence against women; the effects of armed or other forms of conflict on women; the inequality between men and women in the sharing of power and decision making at all levels; and the lack of respect for and inadequate protection and promotion of the human rights of women. In 2000, the landmark Security Council resolution 1325 on women, peace and security was passed. This resolution focused on the unique impact of armed conflict on women and girls, as well as their often neglected but indispensable contribution to international peace and security, in particular conflict prevention, resolution and peace building. On this basis, it urged member states to increase the participation of women at all levels of decision-making in these areas, including UN peace operations; to incorporate a gender perspective in peace processes, peace operations and post-conflict reconstruction; to respect fully international law regarding the rights and protection of women and girls; and to provide training for UN personnel on the protection, rights and the particular needs of women.<sup>8</sup>

Since 2000 action plans for the implementation of the resolution have been developed by several member states and international organizations.<sup>9</sup> According to Torunn L. Tryggestad, 'women, peace, and secu-

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<sup>6</sup> Nicholas J Wheeler and Frazer Eggerton, 'The Responsibility to Protect: "Precious Commitment" or Promise Unfulfilled?', *Global Responsibility to Protect*, 1/1 (2009): p. 131.

<sup>7</sup> The United Nations Fourth World Conference on Women, Action for Equality, Development and Peace, Platform for Action, Beijing September 1995.

<sup>8</sup> S/RES/1325, 31 October 2000.

<sup>9</sup> By May 2009, 16 national action plans had been adopted, in addition to resolutions and strategies by several regional organisations, see Torunn L. Tryggestad,

urity has [thus] emerged as an issue area that can no longer be overlooked by either the UN or its member states'.<sup>10</sup> The passing of Security Council resolution 1820 in 2008 constituted a further strengthening of gender issues in the UN context.<sup>11</sup> With this resolution, sexual violence in conflict was recognized as a matter of international peace and security. Noting that women and girls are particularly targeted by the use of sexual violence, the resolution stressed that such practices 'can significantly exacerbate situations of armed conflict' when employed as a 'tactic of war in order to deliberately target civilians or as part of a widespread and systematic attack against civilian populations'.<sup>12</sup> Moreover, it stated that that 'rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide'.<sup>13</sup> All parties to armed conflict were called upon to take immediate and appropriate measures to protect civilians from all forms of sexual violence, and the importance of ending all impunity for such acts was emphasized. Finally, the resolution requested the Secretary-General to report on the implementation of this resolution and to develop effective guidelines and strategies to improve the ability of the UN's peacekeeping operations to address such issues. Security Council Resolution 1888 followed up on these requirements, and mandated peacekeeping missions to protect women and children from sexual violence during armed conflict.<sup>14</sup>

Even though these significant developments in the field of gender took place in parallel to the development of the R2P principle, gender has remained a blind-spot in the central documents and discussions related to R2P. This will be outlined in further detail below, leading into a discussion of how gender may be made integral to R2P policies and practices. As we will be shown, introducing gender perspectives will have implications for how we understand the dynamics of mass atrocities and how to do deal with them adequately.

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'Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace and Security', *Global Governance*, 15/4 (2009) p. 556, n. 53.

<sup>10</sup> *Ibid.*, p. 552.

<sup>11</sup> S/RES/1820, 19 June 2008.

<sup>12</sup> *Ibid.*, para. 1.

<sup>13</sup> *Ibid.*, para. 4.

<sup>14</sup> S/RES/1888, 30 September 2009.



## Current status of gender in R2P

Although published a year after the passing of resolution 1325, the ICISS report does not mention the resolution, and does not embrace its central messages. It does not address the unique experiences of women and girls, beyond mentioning rape a few times. Nor does it discuss the role of women as agents in connection with the responsibility to prevent, the responsibility to react or the responsibility to rebuild.<sup>15</sup> Jennifer Bond and Laurel Sherret argue that the ICISS report was ‘gender-blind’. They point out that inadequate attention was paid to gender expertise in the selection of the commissioners, and that the ICISS itself was deficient in promoting women in decision-making as only one out of twelve commissioners was female and only four out of fifteen members of the advisory board were women. Moreover, with only one exception, the regional roundtables preceding the report did not discuss gender issues, and the considerable amount of research material that supported the report included only a very few works on gender (around 0.5%). This gender-blindness is reflected in the report itself. It mentions women only three times and ‘none of these references are in relation to the importance of including women in the process or of recognizing their unique needs and contributions in conflict and post-conflict environments’. While the report emphasizes the need to implement provisions without sex discrimination, the term ‘gender’ does not occur at all.<sup>16</sup>

Paragraphs 138-139 of the WSOD do not mention gender, resolution 1325, or women’s specific needs and contributions either. However, rape and other forms of sexual violence are included in the atrocity crimes covered by R2P, as formulated here.<sup>17</sup> Thus, issues related to gender could be said to be implied in the paragraphs defining R2P, but as we shall see below, gender advocates would emphasize the importance of making this explicit. A mitigating factor may be that the role of women as agents and the importance of including a gender perspec-

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<sup>15</sup> See, Jennifer Bond and Laurel Sherret, ‘A Sight for Sore Eyes: Bringing Gender Vision to the Responsibility to Protect Framework’, INSTRAW, March 2006, <http://www.un-instraw.org/.../395-a-sight-for-sore-eyes-bringing-gender-vision-to-the-responsibility-to-protect-framework.html>; Lloyd Axworthy and Alan Rock, ‘R2P: A New and Unfinished Agenda’, *Global Responsibility to Protect*, 1/1 (2009), pp. 61-62; Alex J. Bellamy, *Responsibility to protect: the global effort to end mass atrocities* (Cambridge: Polity Press 2009), p. 62; Center for Women’s Global Leadership (CWGL), Development Alternatives with Women for a New Era (DAWN), United Methodist United Nations Office and Women’s Environment and Development Organization (WEDO), ‘What’s At Stake for Women’, paper prepared in connection with the 2005 World Summit, <http://www.un-ngls.org/orf/un-summit-WEDO-DAWN.doc>.

<sup>16</sup> Bond and Sherret, ‘A Sight for Sore Eyes’, p. 24, 22-25.

<sup>17</sup> See the Rome Statute for the International Criminal Court.

tive and equal participation in all efforts to maintain and promote peace and security are emphasized elsewhere in the WSOD. Also, violations of the human rights of women in armed conflict are condemned as well as the use of ‘sexual exploitation, violence and abuse’.<sup>18</sup> Moreover, the importance of gender mainstreaming as a tool for achieving gender equality is stressed in the document<sup>19</sup>, together with the importance of ending impunity in connection with violence against women and girl children.<sup>20</sup>

Secretary-General Ban Ki-moon’s report on *Implementing the Responsibility to Protect* does not make any explicit reference to resolution 1325 either – which seems rather extraordinary considering the status achieved by this resolution within and outside the UN by 2009.<sup>21</sup> The Secretary-General offers just a few nods towards the content of the resolution – by mentioning the role that women’s NGOs have played in assisting survivors of sexual violence<sup>22</sup>; stating that women’s groups’ role in shaping the international response to R2P crimes and violations is ‘less well known’,<sup>23</sup> and seeing such groups as a source of information in connection with early warning.<sup>24</sup> Thus, the Secretary-General does not seem to have taken on board the insight emphasized in resolution 1325 that women as agents contribute significantly to the maintenance and promotion of international peace and security and must therefore be treated as such. A few references are made to resolution 1820. One is bracketed and relates to the use of targeted sanctions in accordance with that resolution. The other time the resolution is mentioned, Ban Ki-moon emphasizes that ‘the Security Council underscored that rape and other forms of sexual violence could constitute war crimes, crimes against humanity or constitutive acts with respect to genocide [and] recognized that widespread and systematic sexual violence was a security problem that should be monitored by the Council’. From this he concludes that ‘systematic sexual violence, without a doubt, can be every bit as destructive to communities as more conventional weapons’.<sup>25</sup> However, he offers no conclusions regarding the implications of this for R2P. Although resolution 1820 reasserts the status of sexual violence as mass atrocity crimes in international law, and ‘elevates’ it to a security concern, the Secretary-General refrains from explicitly making such crimes a part of the R2P agenda. Admittedly, he states that ‘more research and analysis are needed [...] on why it has been so difficult to stem wide-

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<sup>18</sup> A/RES/60/1, 24 October 2005, para. 116.

<sup>19</sup> Ibid., para 59.

<sup>20</sup> Ibid., para 58 (f).

<sup>21</sup> Ban Ki-moon, *Implementing the Responsibility to Protect*, A/63/677, 12 January 2009.

<sup>22</sup> Ibid., para. 26.

<sup>23</sup> Ibid., para. 59.

<sup>24</sup> Ibid., Annex, para 3.

<sup>25</sup> Ibid., para. 34.

spread and systematic sexual violence in some places',<sup>26</sup> adding that particular attention 'should be paid to preventing sexual and gender-based violence, prosecuting offenders, and implementing gender-responsive justice and security-sector reform measures', but beyond mentioning targeted sanctions he does not make any suggestions as to how this part of R2P may be implemented. A few examples where the UN has had some impact on gender issues are mentioned in passing without making clear the implications for R2P implementation.<sup>27</sup>

The result is that gender concerns are treated as an 'add-on' in the Secretary-General's report, rather than being coherently and comprehensively integrated in his thinking around R2P and its implementation.<sup>28</sup> Thus, gender advocates may disagree with the statement that the 'report outlines a broad-based approach to the prevention and protection responsibilities'. Perhaps the reason is that the 'emphasis of the present report is [...] on forging a common strategy rather than on proposing costly new programmes or radically new approaches'.<sup>29</sup>

On the basis of the above outline, it can be concluded that gender has not been given the attention one would expect in the central documents related to R2P. The same lack of attention is seen in academia. Only a few academic works have paid attention to R2P and gender,<sup>30</sup> and with the exception of Jennifer Bond and Laurel Sherret's discussion of the ICISS report,<sup>31</sup> there exist no systematic and comprehensive account of how to integrate gender into R2P policies and practices. Agreeing with Lloyd Axworthy and Alan Rock's argument that gender issues 'should become a major dimension of the R2P rationale',<sup>32</sup> the remainder of this report will elaborate on how this may be done.

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<sup>26</sup> Ibid., para. 15.

<sup>27</sup> Ibid., paras. 25, 36.

<sup>28</sup> The same can be said about the Secretary-General's report on 'Early warning, assessment and the responsibility to protect' (A/64/864, 14 July 2010). Here, sexual and gender-based violence is mentioned once, while there is no mention of women, resolutions 1325 and 1820, or gender perspectives.

<sup>29</sup> Ki-moon, *Implementing the Responsibility to Protect*, para. 68.

<sup>30</sup> Hilary Charlesworth, 'Feminist Reflections on the Responsibility to Protect', *Global Responsibility to Protect*, 2/2 (2010), pp. 232-249; Shelina Ali, 'Gender Mainstreaming in Canadian Human Security Policy: The Limitations of Bureaucratic and Security Discourses', *Innovations: A Journal of Politics*, 8 (2008-2009), pp. 34-58; Axworthy and Rock, 'R2P: A New and Unfinished Agenda'; Bellamy, *Responsibility to protect*; Bond and Sherret, 'A Sight for Sore Eyes'.

<sup>31</sup> Bond and Sherret, 'A Sight for Sore Eyes'.

<sup>32</sup> Axworthy and Rock, 'R2P: A New and Unfinished Agenda', p. 62.

# Integrating gender in R2P policies and practices

## Gender perspectives

Before meaningfully discussing how gender may be integrated into R2P policies and practices, we need to clarify what a ‘gender perspective’ entails. Feminist literature on international relations offers several interpretations of the meaning of ‘gender’ and what taking a ‘gender perspective’ involves. These various feminist works are often characterized along lines such as ‘liberal’, ‘Marxist’, ‘radical’ and ‘postcolonial’, or according to their ontological and epistemological assumptions, i.e. their world-views and conception of knowledge, ranging from positivist/empiricist via constructivist to interpretivist/postmodernist approaches. It is beyond the scope of this report to present all of them here. Instead, the following outline concentrates on two perspectives that are prevalent within this literature, and which may be particularly useful for the following discussion.<sup>33</sup> These two perspectives should not be seen as completely distinct – indeed, they share the same underlying purpose of working towards a world with less hierarchical gender relations – but they shed light on different aspects of the issue of gender and are guided by different research questions.

The first perspective is guided by the question of **‘where are the women?’**.<sup>34</sup> It seeks to reveal the omission of women and their activities from accounts of international relations, politics, conflict and economics – be they academic analyses, policy documents or statements of various kinds. Mainstream descriptions often ignore women and treat men’s experiences and roles as the relevant ones, while at the same time portraying them as universally valid. Feminist scholars argue for including women in the picture, both because this will make for a more complete picture and provide a more accurate description of what goes on, but also because the exclusion of women provides mainstream descriptions with a normative bias in favour of men: men and their activities are what count. The arguments of these scholars are thus made on both analytical and normative grounds. By widening the lenses through which international relations, politics, conflict and

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<sup>33</sup> Note that similar questions can also be identified in feminist scholarship in international law according to Hilary Charlesworth, ‘Feminist Reflections’ pp. 232-249.

<sup>34</sup> Cynthia Enloe’s seminal work *Bananas Beaches & Bases: Making Feminist Sense of International Politics* (London: University of California Press, 1989) is a prime example of this perspective.

economics are observed, this perspective draws attention to the presence of women in these areas and the roles they play. They show how women enable men in their roles, for example by serving as diplomats' wives, sex workers for peacekeepers, or as domestic help or cheap labour for powerful business men. By asking where the women are in, say, conflicts or economics, their roles as victims of violence and as the poorest of the poor are no longer left invisible. And equally important, the agency of women is no longer ignored. By broadening the conception of which activities count, it is demonstrated that women are not passive bystanders but very much part of what makes the world go round.<sup>35</sup>

In addition to making women and their roles visible, this approach challenges the denigration of women that is implicit in the mainstream approaches, where men and their activities are treated as the norm. The preoccupation with men and their activities devalues and renders women's activities irrelevant. Feminist scholars expose these underlying normative assumptions and point out the interdependence – and thus equal importance – of the 'main' male story and the female 'background'.

Within this first perspective, the focus is predominantly on biological women and men, in other words distinctions are made according to their sexes. Male-female is here seen as a binary based in nature. The second perspective, however, view gender as socially constructed. Feminine-masculine is seen as a dichotomy to which identities, behaviours and expectations are attached. The exact meaning of feminine and masculine varies within and between societies and over time. Different constructions of masculinity and femininity coexist and compete, and the relationship between these constructions is constantly negotiated. Nevertheless, masculinity is generally associated with characteristics such as aggressiveness, dominance, strength, rationality, courage and control, whereas femininity is seen as its polar opposite; as being passive, irrational, peaceful and subordinate. There is thus a clear hierarchy involved, in which masculinity is privileged and femininity is devalored. This hierarchy is powerful because it has the appearance of being 'natural' – based on the biological sexes.

Taking this as its starting point the second perspective focus on the research question of '**how does gender work?**'<sup>36</sup> This means investigating how concepts, identities, institutions and practices are shaped by ideas about gender. So, instead of viewing gender as an attribute of an individual, gender is here seen as something that structures all

<sup>35</sup> See, for example, Cynthia Enloe, *The Curious Feminist: Searching for Women in a New Age of Empire* (Berkeley: University of California Press, 2004).

<sup>36</sup> A prime example of this perspective is Carol Kohns's work, see for example her 'Sex and Death in the Rational World of Defense Intellectuals', *Signs* 12/4 (1987), pp. 687-718.

forms of social life. It is institutionalized in a plethora of ways and provides the optic through which we view the world. Thus notions of gender impact on both our actions and our thoughts. Feminist scholars working from this perspective have investigated how activities like war or peacekeeping are based on and serve to maintain certain notions of gender and the societal structures derived from these notions. For example, they point out the hyper-masculinity that underpins peacekeeping operations and the gendered effect these operations have on the host societies. Several authors show that such operations have strengthened ‘traditional’ constructions of femininities and masculinities by their presence.<sup>37</sup> Other scholars demonstrate how the military and defence sector is dominated by a highly masculinized culture that accords high value to rationality, decontextualization and technical expertise. By emphasising objectivity, little room is given to emotion, the particular and concrete, or concern for human life. Traditional masculine emotions such as aggression, competition and pride, are however not identified as emotions, but are rather considered to be a self-evident part of the culture.<sup>38</sup> This culture is self-perpetuating in that alternative voices are deemed irrational and/or emotional and thus ‘feminine’. In this way clear boundaries are set and only ideas that fit neatly within them can be voiced without suffering ridicule/feminization.

So, whereas the first perspective focuses on how women are treated as irrelevant and seeks to make them visible, this perspective points out the devalorization of female qualities, regardless of whether these qualities are associated with biological women or biological men. ‘Because gender is hierarchical and interdependent, the privilege and power attributed to masculine qualities depends on the devalorization of feminized qualities’.<sup>39</sup> In addition, this perspective sheds light on the effects of, and the power inherent in, the process of feminization. From this perspective, therefore, working towards more equitable gender relations involves much more than merely adding the perspective and participation of women. Social structures and institutions and their particular hierarchy of femininities and masculinities must be the subject of investigation and change. Unless these are dealt with, the women who added may simply be co-opted into the prevailing structures – for instance, female leaders will have to ‘act like men’ in order

<sup>37</sup> Sandra Whitworth, *Men, Militarism and UN Peacekeeping. A Gendered Analysis* (Boulder, CO: Lynne Rienner Publishers, 2004); Johanna Valenius, ‘A Few Kind Women: Gender Essentialism and Nordic Peacekeeping Operations’, *International Peacekeeping*, 14/4 (2007), pp. 510-523; Dyan Mazurana, Angela Raven-Roberts and Jane Parpart (eds.), *Gender, Conflict, and Peacekeeping* (Boulder, Colo: Rowman and Littlefield, 2005).

<sup>38</sup> See Carol Cohn, ‘Wars, Wimps, and Women: Talking Gender and Thinking War’ in Miriam Cooke and Angela Woollacott (eds.), *Gendering War Talk*, (Princeton, NJ: Princeton University Press, 1993).

<sup>39</sup> V. Spike Peterson, ‘Feminist Theories Within, Invisible To, and Beyond IR’, *Brown Journal of World Affairs*, X/2 (2004), p. 40.

to be taken seriously. There is disagreement in the literature as to whether adding women to these structures can in itself contribute to a change in the constructions of femininity and masculinity and their ordering in the long run. Perhaps this is something to be assessed on a case-by-case basis?

In any case, employing these two different gender perspectives in a discussion of how gender may be integrated in R2P policies and practices, means structuring the discussion around the following two questions: **‘where are the women?’** and **‘how does gender work?’** The first question involves looking for women’s experiences in connection with mass atrocities and taking into account their role as agents in their commission as well as the prevention of and protection against such atrocities. The second involves investigating what work gender is doing in the context of mass atrocities. Here, the focus will be specifically on sexual and gender-based violence (SGBV) and how this is based on and serves to maintain or cement certain notions of femininity and masculinity.

### **Gender perspective 1: Locating women’s experiences and roles in the context of mass atrocities**

In the fields of peace and security, there has been a tendency to view gender issues as irrelevant to the subject matter, or at best as an optional extra too costly and time-consuming to deal with in times of crises.<sup>40</sup> As demonstrated above, this appears to be the case with the central R2P documents as well as most of the academic literature on the topic. The central documents treat gender issues as an add-on, if they are mentioned at all. In this way their architects conform to the mindset of the ‘society’ to which they belong, i.e. the mainstream security thinkers. And this in turn explains their (lack of) gender perspective, because ‘as man [sic] reflectively records reality, he [sic] separates and rejoins pieces of it, and concentrates on some particulars while failing to notice others’. The concepts used in this ‘recording’ are developed through social processes and constitute what is considered ‘healthy human understanding, or common sense’ in particular societies.<sup>41</sup> Individuals from the same society have thus a tendency to order reality and pass judgement on objects in a similar way. In matters of security, the common sense has for a long time been to not take

<sup>40</sup> Dyan Mazurana ‘Gender and the Causes and Consequences of Armed Conflict’ in Dyan Mazurana, Angela Raven-Roberts and Jane Parpart (eds.), *Gender, Conflict, and Peacekeeping* (Boulder, Colo: Rowman and Littlefield, 2005), p. 40; Cynthia Enloe, ‘All the Men are in the Militias, All the Women are Victims: the Politics of Masculinity and Femininity in Nationalist Wars’, in Lois Ann Lortzen and Jennifer Turpin (eds.), *The Women and War Reader* (New York: New York University Press, 1998).

<sup>41</sup> Max Horkheimer, *Critical Theory: Selected Essays*, translated by Matthew J. O’Connell and others (New York: Seabury Press, 1972), pp. 201-202.

women's perspectives into consideration. This common sense was challenged by resolution 1325. Its proponents would argue that if we are serious about preventing conflict and building peace we cannot afford to exclude such issues. No solution can be found without dealing with the whole picture. This insight must be made integral to the thinking around R2P as well. As Bond and Sherret point out, the R2P doctrine will be 'made more effective by integrating gender issues into its framework'.<sup>42</sup>

So, where are the women in the context of mass atrocities? This is perhaps a question that cannot be answered fully in the abstract. Nevertheless, it will have to be asked and answered if we are to fully understand the dynamics of mass atrocities and how to deal with them adequately. Since we 'cannot escape the interpretative moment' when analysing<sup>43</sup>, this first gender perspective dictates that we must make sure that women, their experiences and roles are part of what we are looking for. Although men's experiences and roles are part of what is relevant, they are not universally valid and constitute only a proportion of the relevant insight. The lenses used when observing must be broadened.

When it comes to women's **experiences**, the NGOs that advocated for the development of resolution 1325 were motivated partly by building awareness that women suffer the impact of war disproportionately.<sup>44</sup> Similar motivations have been expressed in connection with R2P: 'we know that it is women and their children who are often the main victims' of mass atrocities.<sup>45</sup> However, the argument for including women's perspectives in R2P policies and practices does not hinge upon the fact that they are *more* affected by mass atrocities than men. Their experiences should be considered to be relevant regardless. After all, women constitute half of the world's population and thus half of what needs to be understood. However, it should be borne in mind that it not possible to make universally valid generalizations about women's experiences. These vary along with political system, religion, culture and socio-economic factors. This is why feminist scholars argue for focusing on real people in real places, rather than striving to develop abstract models. Indeed, as Jean Bethke Elshstain points out, the abstract models of contemporary social science may serve as obstacles to observation: 'Much that is important and subtle falls through

<sup>42</sup> Jennifer Bond and Laurel Sherret, 'A Sight for Sore Eyes: Bringing Gender Vision to the Responsibility to Protect Framework', INSTRAW, March 2006, p. 26.

<sup>43</sup> Richard Price and Christian Reus-Smit, 'Dangerous Liaisons? Critical International Theory and Constructivism', *European Journal of International Relations*, 4/3 (1998), pp. 259-294.

<sup>44</sup> Carol Cohn, 'Mainstreaming Gender in UN Security Policy: A Path to Political Transformation?', *Boston Consortium on Gender, Security and Human Rights Working Paper*, 204 (2003-2004), p. 13.

<sup>45</sup> Axworthy and Rock, 'R2P: A New and Unfinished Agenda', p. 62.



the grid of standard modes and methods and is ignored.<sup>46</sup>

This insight has massive implications for the identification of the impact of mass atrocities on women as well as for the identification of possible R2P situations. If we cannot rely on generalized models, this necessitates an apparatus that engages with ‘real-time’ developments all over the world. Moreover, it requires the use of broad lenses for observation so that also women’s experiences are captured.<sup>47</sup> That may prove more work-intensive than the current approach, but – at least seen from this gender perspective – there is no alternative.

The present UN Secretary-General may support a case-by-case assessment, but has certainly not embraced the inclusion of women’s experiences in early warning mechanisms. In his recent report on ‘Early warning, assessment and the responsibility to protect’, he asserts that peaceful and preventive measures [...] are most likely to be effective if they are undertaken at an early point and are carefully targeted and calibrated. This, in turn, requires early warning and a differentiated assessment of the circumstances of each case.<sup>48</sup> However, he goes on to say that the ‘United Nations system [...] does not lack relevant information’ and attention to gender issues is not among the identified ‘gaps to providing the timely information and assessment needed to implement the responsibility to protect in a balanced, responsible, and vigorous manner’.<sup>49</sup> The sole mention of gender in the report is when it is stated that information ‘received through independent sources can be useful supplements to the information received through official sources [...] Such groups may be among the first to detect an upsurge [...] in patterns of sexual and gender-based violence.’<sup>50</sup> The report is, in other words, far from treating gender issues as an integral part, even if it is not completely gender-blind.

Some feminist writers have outlined factors that may be included in a gender-sensitive early warning system.<sup>51</sup> These include degree of, or changes in gender equality; fertility rates; women’s access to reproductive health care; women’s access to education; sex-specific migration patterns; trafficking of women; violation of women’s human rights; and domestic violence. This is because there is a correlation between these factors and the likelihood of conflict in societies. In this context one should be aware that although introduced in connection with discussions of R2P, these suggestions draw heavily on work focusing on the early warning of conflicts.<sup>52</sup> This is not necessarily the

<sup>46</sup> Jean Bethke Elshtain, *Women and War* (New York: Basic Books, 1987), p. xi.

<sup>47</sup> Axworthy and Rock, ‘R2P: A New and Unfinished Agenda’, p. 62.

<sup>48</sup> A/64/864, 14 July 2010, para. 3.

<sup>49</sup> *Ibid.*, para. 10.

<sup>50</sup> *Ibid.*, para. 12.

<sup>51</sup> Bond and Sherret, ‘A Sight for Sore Eyes’; Ali, ‘Gender Mainstreaming’.

<sup>52</sup> Primarily Suzannel Schmeidl and Eugenia Piza-Lopez, *Gender and Conflict*

same as early warning of mass atrocities. Although a considerable proportion of mass atrocities are committed in connection with armed conflict, some are not. More research is therefore needed to ascertain whether these factors should be included when identifying possible R2P situations. Moreover, keeping in mind the feminist warnings presented above, it is important to ensure that a focus on these factors – and others for that matter – should not preclude investigation of each situation with fresh eyes, guided by the question of ‘where are the women, here and now?’. This involves engaging with the micro level of women’s everyday life, as well as the meso and macro levels. It also means recognizing women as relevant sources of information.<sup>53</sup>

The question of ‘where are the women’ must also be asked in relation women’s **roles** in the context of mass atrocities. In relation to the development of resolution 1325, Carol Cohn notes that the NGO framers of the resolution ‘had as one of their main goals the recasting of the image of “women” in the Security Council. Many of their interactions with SC members, as well as the language they drafted for the resolution, were focused on prying women out of the “womenandchildren”-as-helpless-victims construct, and constructing women as active agents, already engaged in peace-building in civil society’.<sup>54</sup> This, she sees as one of the successes of the 1325 campaign. Viewing women as active agents is also a pertinent concern in an R2P context. Hilary Charlesworth shows how Gareth Evans, one of the ICISS commissioners and an outspoken proponent of R2P, relies on ‘popular UN stereo types’ one of which is portraying women as ‘victims of public crimes’.<sup>55</sup> Although this role is part of the picture – and definitely something that needs to be addressed given the past ‘conspiracy of silence’ around violence against women – R2P policies and practices need to take as a starting point that women are not merely passive victims; they also contribute to society in a wide range of ways. Hence, policies and practices should be designed with a view to securing the participation of women at all levels and throughout the whole spectrum of R2P instruments and strategies.<sup>56</sup> For this, already existing knowledge and policies developed in connection with the implementation of resolution 1325 should be utilized. There is no need to reinvent the wheel – even if there is an obvious need to make policymakers aware of the existing knowledge and policies.

Awareness of women’s agency also means moving beyond the assumption of women as inherently peaceful and collaborative. Al-

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*Early Warning: A Framework for Action* (Geneva, Switzerland: International Alert and Swiss Peace Foundation, 2002); but also Mary Caprioli, ‘Gendered Conflict’, *Journal of Peace Research*, 37/1 (2000), pp. 51-68.

<sup>53</sup> Bond and Sherret, ‘A Sight for Sore Eyes’, p. 36.

<sup>54</sup> Carol Cohn, ‘Mainstreaming Gender in UN Security Policy’, p. 13.

<sup>55</sup> Hilary Charlesworth, ‘Feminist Reflections’, pp. 242-243.

<sup>56</sup> On this point, see, Axworthy and Rock, ‘R2P: A New and Unfinished Agenda’, p. 62.

though this view is prevalent amongst various anti-war women's groups, it has been challenged by most feminist scholars. As we saw above, it does not make sense to make generalizations about such a diverse and heterogeneous group as women. Such an assumption contributes to blur the picture, rather than bringing useful insights. And, as we shall see below, it serves to maintain hierarchical gender relations. Its assertion is also a risky strategy for achieving participation for women:

Resting our claim to legitimacy as a political actor on a construct of who we are and what we can do (for you), rather than on a claim of rights, means that we can easily be excluded (again) when we fail to embody and enact the construct. The construct of difference that we argue makes us fit to participate can be turned into an argument for why it would be dangerous to allow us to participate.<sup>57</sup>

This necessitates expanding of our lenses in order to also identify the roles that women play in the commission of mass atrocities. In some instances women may take on roles traditionally associated with men, such as combatants. As Shelina Ali points out, 'smaller numbers of women in combat does not mean that there are no women and girls in combat, nor does it mean that their needs and experiences cannot shape the content and relevance of policy and praxis'.<sup>58</sup> But it is not only in combat roles that women may take part in the commission of mass atrocities. Remember the importance of the 'background' roles played by women, as discussed above. By redefining conceptions of what count as relevant activities and roles, and keeping in mind the interdependence of the assumed 'main story' and 'background', awareness will be brought to bear on a whole range of other activities and roles. Women may enable men in their conduct of mass atrocities by offering emotional and practical support. This may include household chores, childcare or sexual companionship (voluntary and involuntary). Women may also carry out practical activities more directly related to the crime in question. In addition, women may play a part in maintaining the ideas that forms the rationale for the commission of mass atrocities.

In order to understand the dynamics of mass atrocities as well as how best to deal with them, one must therefore move far beyond the other UN stereotype that Charlesworth associated with Evans, namely that of women 'as inclusive peacebuilders'.<sup>59</sup> Again, this involves engaging with the case at hand in a serious manner, and discarding ab-

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<sup>57</sup> Carol Cohn, 'Mainstreaming Gender in UN Security Policy', p. 18.

<sup>58</sup> Ali, 'Gender Mainstreaming', p. 46.

<sup>59</sup> Hilary Charlesworth, 'Feminist Reflections', pp 242-243.

stract assumptions that may serve as obstacles to learning what is ‘really’ going on. There may indeed be women who are inclusive peacebuilders in most settings, but the picture is bound to be much more diverse than that. R2P policies and practices will need to be based on a thorough and comprehensive account of the situation on the ground.

This leads us to a final implication of this first gender perspective. The question of ‘where are the women?’ leads us to be **explicit** about women’s experiences, the roles they may play in the negative dynamics in question, as well as the roles they can play in the prevention of and protection against mass atrocities. This is similar, but not identical to the policy of gender mainstreaming – defined as ‘the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women and men an integral part of the design, implementation, monitoring and evaluation of policies programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of gender mainstreaming is to achieve gender equality’.<sup>60</sup> The difference between gender mainstreaming and the approach presented here lies in the emphasis put on women in the latter. This is arguably a necessary emphasis since the marginalization of women remains very extensive.<sup>61</sup> Marilou McPhedran, Laurel Sherret and Jennifer Bond sum up this sentiment very well:

until women reach the stage where they can be truly equal partners with men, then specialized attention – with adequate and appropriate resources dedicated to women – must be given by international leaders, spoken aloud on the world stage, written into every UN high level report.<sup>62</sup>

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<sup>60</sup> E/1997/L.30, 14 July 1997.

<sup>61</sup> Note also that some feminist scholars are sceptical to gender mainstreaming and argue that gender mainstreaming in the existing UN structures necessitates diluting the concept of gender to such a degree that it has next to no transformative potential. See, Sandra Whitworth, *Men, Militarism and UN Peacekeeping*, p. 121; Carol Cohn, ‘Mainstreaming Gender in UN Security Policy’, pp. 10-11, note 17; Hilary Charlesworth, ‘Not Waving but Drowning: Gender mainstreaming and Human Rights’, *Harvard Human Rights Journal*, 18 (2005), pp. 1-18.

<sup>62</sup> Marilou McPhedran, Laurel Sherret, Jennifer Bond, ‘R2P’s Missing Women – Canada’s Responsibility to Perceive’, discussion paper prepared for the Fragile, Dangerous and Failed States conference, organised by the Centre for Global Studies, University of Victoria, 25-27 November 2005, p.24, [http://iwrp.org/new/wp-content/uploads/2010/06/R2P\\_mcphedran.pdf](http://iwrp.org/new/wp-content/uploads/2010/06/R2P_mcphedran.pdf).

## Gender perspective 2: The workings of gender in sexual and gender-based violence

By asking about biological women's experiences in connection with mass atrocities, it is very likely that sexual and gender-based violence (SGBV) will be identified in many cases. Thus, this phenomenon is connected to the gender perspective outlined above. However, it can also be viewed in light of the second gender perspective, which investigates the workings of gender. In general terms, the concept of SGBV refers to rape and other forms of sexual and reproductive abuse, including sexual slavery, forced prostitution, forced marriages, forced pregnancy, forced nakedness and genital mutilation, etc. Such practices are claimed to be among 'the most recurring wartime abuses of women and girls' and are also widespread in societies not considered to be at war.<sup>63</sup> The gender element of the term refers to it being connected to constructions of femininities and masculinities. SGBV can from this gender second perspective be seen as playing a role in the competition and negotiation of these gender constructions – as a means by which to 'masculinize the identity of [the] perpetrator and feminize the identity of the victim'.<sup>64</sup> In times of conflict, gender stereotypes and binaries such as masculine-feminine, us-them, etc., are thought to increase in importance, and SGBV may then seem more acceptable, or even necessary.<sup>65</sup> SGBV can thus be understood as an assertion of superiority, and by extension, as a means by which to spread terror and achieve political goals. It can also be understood as a symbolic act – as rape or castration of the whole community to which the victim belongs.<sup>66</sup> Moreover it is conducted in order to reassert hetero-masculinity, which is seen as a 'required part of manliness'.<sup>67</sup>

There is widespread agreement in the literature that even though the victims of such atrocities are preponderantly women and girls, there are men amongst them as well. Also in these instances the intention is thought to be the communication of masculinity/superiority and even hetero-masculinity.<sup>68</sup> Estimates of the occurrence among men depend upon definitions of what counts as SGBV, as well as the degree of,

<sup>63</sup> Miranda Alison, 'Wartime sexual violence: women's human rights and questions of masculinity', *Review of International Studies*, 33/1 (2007), p. 75; Ali, 'Gender Mainstreaming', p. 40.

<sup>64</sup> Inger Skjelsbæk, 'Sexual Violence and War: Mapping out a Complex Relationship', *European Journal of International Relations*, 7/2 (2001), pp. 214-215.

<sup>65</sup> Allison, 'Wartime sexual violence', p. 80; Skjelsbæk, 'Sexual Violence and War', p. 216.

<sup>66</sup> Ruth Seifert, 'War and Rape: A Preliminary Analysis' in Alexandra Stiglmayer (ed.), *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln, NE: University of Nebraska Press, 1994); Dubravka Zarkov, 'The Body of the Other Man: Sexual Violence and the Construction of Masculinity, Sexuality and Ethnicity in the Croatian Media', in Caroline O.N. Moser and Fiona C. Clark (eds.), *Victims, Perpetrators or Actors?* (London: Zed Books, 2001).

<sup>67</sup> Robert William Connell, *Masculinities* (Cambridge University Press, 1995), p. 196.

<sup>68</sup> Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (New York, NY: Cambridge University Press, 2001), p. 357.

and obstacles to, reporting. Dubravka Zarkov points out that men who endured sexual violence during the Balkan wars remained ‘invisible’ to a large extent due to the emasculation that admitting to such abuse would involve in their societies.<sup>69</sup> This pinpoints the power inherent in the process of feminization.

SGBV does not occur indiscriminately, but is targeted and directed against specific individuals and groups.<sup>70</sup> It is predominantly committed against individuals belonging to an enemy group or against perceived ‘traitors’ of the perpetrator’s own group. In this context, group identity is to a considerable extent linked to ethnicity, religion, clan or class. Women are often seen as important signifiers of such identities.<sup>71</sup> However, men of ‘the other’ group can also be attacked, as a way of asserting the superiority/masculinity of an ethnic/religious/other identity group. The atrocities committed in Rwanda and the former Yugoslavia are clear examples of how SGBV can be intertwined with other forms of ethnically motivated violence.

Employing this second gender perspective, that is, asking how gender works, can provide important insights into SGBV. We see how this form of atrocities is based on and serve to maintain or reinforce certain notions of gender and the societal structures derived from these notions. We see that SGBV is conducted as a way of asserting masculinity, to which privilege and power are attributed. And, as outlined above, this privileged and powerful position is dependent upon the devalorization of feminine qualities. In the case of SGBV this simultaneous devalorization of femininity and assertion of masculinity takes an extreme and gruesome form. These insights are crucial in the context of R2P. However, they also mean that a different mindset is required for identifying possible R2P situations as well as dealing with them. It is not enough simply to add the perspective and participation of women. Social structures and institutions, and their particular hierarchies of femininities and masculinities, must be the subject of investigation and change.

In terms of **identifying possible R2P situations**, we saw above that by bringing women into the picture a whole new set of indicators is introduced. In applying this second perspective, the focus must be ex-

<sup>69</sup> Zarkov, ‘The Body of the Other Man’, pp. 73-80. For more on male victims of SGBV, see, John Tosh, ‘Hegemonic Masculinity and the History of Gender’, in Stefan Dudink, Karen Hagemann and John Tosh (eds.), *Masculinities in Politics and War: Gendering Modern History* (Manchester: Manchester University Press, 2004); Ronit Lentin (ed.), *Gender and Catastrophe* (London and New York: Zed Books, 1997); Susie Jacobs, Ruth Jacobson and Jennifer Marchbank, *States of Conflict: Gender, Violence and Resistance* (London and New York: Zed Books, 2000); Moser and Clark (eds.) *Victims, Perpetrators or Actors?*

<sup>70</sup> See, Alison, ‘Wartime sexual violence’, for an overview.

<sup>71</sup> Allison, ‘Wartime sexual violence’, pp. 80-81, 87-88.

panded even further in order to investigate processes of gendering and the ordering of femininities and masculinities into hierarchies.

As yet, SGBV has not triggered any responses under the R2P umbrella – whether preventive or reactive. The reason may be that it is difficult to ascertain that SGBV has occurred on such a scale as to be covered by the principle. In order for SGBV to constitute mass atrocities (crimes against humanity to be specific) according to international law, it must have occurred in a ‘widespread’ and/or ‘systematic’ manner. Unfortunately, the ‘widespread’ element of this requirement may not be very difficult to fulfil in many cases. The ‘systematic’ element may be more complicated, as this is taken to mean:

(1) the existence of a political objective, a plan pursuant to which the attack is perpetrated or an ideology, in the broad sense of the word, that is, to destroy, persecute or weaken a community; (2) the perpetration of a criminal act on a very large scale against a group of civilians or the repeated and continuous commission of inhumane acts linked to one another; (3) the preparation and use of significant public or private resources, whether military or other; (4) the implication of high-level political and/or military authorities in the definition and establishment of the methodical plan.<sup>72</sup>

Therefore, as David Scheffer notes, ‘as an isolated crime, sexual violence may have a very difficult time first qualifying as a crime against humanity and, even if that is accomplished, then triggering an international response under R2P’.<sup>73</sup>

Moreover, seen from the second gender perspective these criteria give raise to more questions than they answer. From a ‘mainstream’ gender-blind perspective, these criteria may seem quite straightforward. There exists a ‘common sense’ of what ‘political’ means and how political objectives and ideologies are formulated and maintained; what is meant by ‘public or private resources’; as well as the meaning of ‘implication’, ‘definition and establishment’ and ‘methodological plan’. The gender perspective discussed in this section, however, encourages a rethinking of this ‘common sense’. By focusing on the workings of gender, the meaning of all these concepts is challenged. Is the objective of feminizing individuals belonging to an enemy group a political objective? Does a plan or ideology have to be formulated as such, for it to exist? Considering the type of ‘resources’ that are in-

<sup>72</sup> David Scheffer, ‘Atrocity Crimes Framing the Responsibility to Protect’, *Case Western Reserve Journal of International Law*, 40/1&2 (2008), p.125, citing the Prosecutor v. Kunarac, Kovač and Voković, Case No. IT-96-23/1-A, Appeals Judgment, para. 90, 12 June, 2002.

<sup>73</sup> Scheffer, ‘Atrocity Crimes Framing the Responsibility to Protect’, p.127.

volved in the commission of SGBV, is it relevant to require them to be ‘significant’? Can the inhumane acts committed in connection with SGBV be seen as being linked to one another, as assertions of the same construction of femininity and masculinity? Does it make sense to talk about a methodical plan when the atrocities committed are based in societal structures and unspoken rules and objectives? If made integral to our thinking around R2P policies and practices, this gender perspective may prove highly unsettling indeed, and may be resisted or rejected by policymakers and practitioners alike. Nevertheless, if we are serious about integrating gender perspectives, it cannot be ignored.

Be that as it may, it is important to note that the ‘widespread’ and ‘systematic’ requirements relate to the *prosecution* of such crimes, and are not necessarily as relevant in a discussion about *identifying* possible future R2P situations and preventive measures. Indeed, Scheffer argues that

it remains important not to automatically translate the substantiality required for criminal prosecution of a crime against humanity with the justification for R2P [...] the tribunals focus on crimes already committed [...] but governments and international organizations confronted with the threat of atrocity crimes will take additional considerations into mind when determining whether or not to take action under R2P.<sup>74</sup>

Although Scheffer did not necessarily have the workings of gender in mind here, his point is also valid in this context. The primacy of prevention has been emphasized in all central R2P documents. It is therefore important to identify possible R2P situations and then act before it can be established with any certainty that mass atrocities will indeed take place. And there is no logical reason why more certainty would be required in the case of SGBV than in the case of other forms of mass atrocities – at least unless the implication is that women’s experiences are less relevant than those of men.

So, what should we look for in order to identify situations in which there is a risk for mass atrocities in the form of SGBV? What are the indications that assertions of masculinity may turn violent? Since such crimes take place in hyper-masculinized societies, telltale signs may be an increased polarization of gender roles in the society; a change in gender-power relations to the detriment of the feminine; gendered propaganda and hate speech in which the assertion of masculinity/denigration of femininity is clear; and media ‘scapegoating’ of fe-

<sup>74</sup> Scheffer (2008), ‘Atrocity Crimes Framing the Responsibility to Protect’, pp. 124-125.



males. More indirect indicators of such risks are an increase in violations of women's human rights; sex-specific migration and forced displacement as well as changes to everyday routines that may indicate fear of sexual abuse.<sup>75</sup> Also here, a serious engagement with particular situations is required in order to identify the risks. It is also important to be aware of, and seek to avoid, the partial blindness resulting from over-focusing on specific indicators. Moreover since SGBV is often intertwined with other forms of violent identity assertion, each case is likely to have its own particular mix of dynamics and will need to be understood and dealt with on its own terms.

Also when it comes to **addressing SGBV** there is a need to change our thinking when working from this perspective. Since SGBV involves issues that have been considered to belong to the private sphere, there has been a widespread reluctance to address these issues, both within states and on the international stage. With the passing of Security Council resolution 1820, this should change as the resolution firmly places SGBV in the realm of security. This means that states cannot continue to ignore its occurrence under the guise of respecting people's privacy. On the other hand, this does not necessarily mean that traditional security instruments should be applied – a broadening of the conception of security in this way arguably implies a broadening of the conceptions of security instruments as well.

Resolution 1820 suggests a variety of tools that may be employed to protect civilians from SGBV. In addition to merely evacuating 'women and children under imminent threat of sexual violence to safety', these range from measures to ensure military discipline and training among parties to armed conflicts, via the use of targeted and graduated sanctions against perpetrators and measures aimed at ending impunity for SGBV, to guidelines, training programmes and a zero tolerance policy for UN personnel deployed in peacekeeping and humanitarian operations.<sup>76</sup>

Ban Ki-moon, who refers to Resolution 1820 in his 2009 report, stresses the importance of combating impunity nationally and globally. He also emphasizes the importance of 'implementing gender-responsive justice and security-sector reform measures'.<sup>77</sup> Scholars working on SGBV have proposed that a range of international law and human rights instruments be utilized. These are assumed to have a preventive effect on future atrocities as well as serving to bring such

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<sup>75</sup> Elisabeth Rehn and Ellen Johnson-Sirleaf, *Women, War and Peace: the Independent Experts' Assessment of the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (New York: United Nations Development Fund for Women, 2002), pp. 112-113; Bond and Sherret, 'A Sight for Sore Eyes', p. 36.

<sup>76</sup> S/RES/1820, 19 June 2008, paras. 3-10.

<sup>77</sup> Ki-moon, *Implementing the Responsibility to Protect*, para 17; see also paras. 25 and 36.

abuses out of the private sphere and making them a political question.<sup>78</sup> Scheffer, who is fairly pessimistic as to the possibility of generating international interest and justifying governmental and institutional responses under R2P for SGBV, argues for ‘using the R2P principle for diplomatic or economic pressures against the perpetrator Government’.<sup>79</sup>

In order for the proposed measures to be in line with the gender perspective discussed here, two things should be emphasized. First, the intersection of gender and ethnicity as well as other identities will need to be taken into account, and the measures should be implemented as a coherent package adapted to the situation at hand. In other words, this gender perspective should not be translated into a template approach for dealing with SGBV in each and every circumstance. Secondly, the primary focus must be on the structures of domination that allows for SGBV to take place. Otherwise, measures designed to deal with these violations become superficial and inadequate and will serve as mere window dressing. For example, sanctions against perpetrators will not help as long as the hyper-masculinized environment in which SGBV occurs remains in place. Similarly, training programmes and codes of conduct for UN personnel and parties to armed conflicts must deal with the whole context in which SGBV takes place, and not only isolated acts of SGBV. The phenomenon cannot be eliminated until the hierarchical gender dichotomy that sustains it is eliminated. This poses particular problems with regard to employing legal instruments: By framing the issue of SGBV as violations of women’s human rights, essentialist notions of women may be reified, notions that in turn may need to be demolished in order to reduce the occurrence of SGBV.<sup>80</sup> Also, that would fail to shed light on, and give justice to, male victims and their suffering. On the other hand, the alternative – framing it as a human rights issue in general terms – could mean that something important is lost, since the majority of victims seem to be girls and women.<sup>81</sup>

Resolution 1820 hints to the structural dynamics when it ‘*Demands* that all parties to armed conflict immediately take appropriate measures [...] to debunking myths that fuel sexual violence’.<sup>82</sup> It does not, however, discuss how this may be done. Neither does its follow-up

<sup>78</sup> Skjelsbæk (‘Sexual Violence and War’, p. 228) has dubbed this the ‘the “speaking up” strategy’ and sees the work of the International Crime Tribunals for the former Yugoslavia and Rwanda as examples of this. See also Lene Hansen, ‘Gender, Nation, Rape: Bosnia and the Construction of Security’, *International Feminist Journal of Politics*, 3/1 (2000), pp. 55-75, on the role of the International Crime Tribunal for the former Yugoslavia in this regard.

<sup>79</sup> Scheffer, ‘Atrocity Crimes Framing the Responsibility to Protect’, p. 126.

<sup>80</sup> This criticism could to a certain degree also be posed against Resolution 1325.

<sup>81</sup> For a discussion of this conundrum, see, Alison, ‘Wartime sexual violence’, pp. 75-90.

<sup>82</sup> S/RES/1820, 19 June 2008, para. 3.

resolution 1888.<sup>83</sup> It is in this field that instruments will need to be developed if we are serious about making this second gender perspective integral to R2P policies and practices. Seen from this perspective SGBV constitute violent assertions of hyper-masculinity. Hence, measures should be aimed at making hyper-masculine language unacceptable. More research is needed into how this may be done, but there is reason to believe that lessons can be learnt from anti-apartheid and anti-racism work. After all, the world has witnessed substantial changes in conceptions of what is acceptable language in that field over the last few decades, and that has arguably affected practices as well. Let us hope that similar changes can be observed with regard to SGBV in the years to come.

This section has primarily dealt with the questions of how to identify potential R2P situations and how to deal with them before they turn into full-blown mass atrocities. In other words, a preventive approach has been privileged. This is partly a result of bringing the two gender perspectives into the discussion. By asking ‘where are the women?’ and ‘how does gender work?’ the focus is on everyday exclusions and subordinations. It becomes evident that there is a need to change these everyday exclusions and subordination, for both analytical and normative reasons – not only after they have caused widespread atrocities, but in general. Hence, a preventive approach is logical course of action. An additional and more pragmatic reason for focusing on the preventive dimension when discussing R2P and gender is the following: as long as most states ‘manifestly fail’ to even acknowledge and discuss these processes of exclusion and subordination, we are unlikely to see a forcible international response to cases where a singular state ‘manifestly fails’ to address these issues any time soon. There is also the question of whether such an intervention would be counter-productive, given the links between military interventions, militarism and patriarchy that feminist scholars have identified.<sup>84</sup> The same can also be said about peace operations with protection mandates, since hyper-masculinity has been found to be embedded in such operations as well.<sup>85</sup> Further research into how – or indeed whether it is at all possible – to conduct such operations without contributing to maintaining militarism and other structures that are thought to allow for phenomena like SGBV is therefore very much required.

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<sup>83</sup> S/RES/1888, 30 September 2009.

<sup>84</sup> See for example, Enloe, ‘All the Men are in the Militias’; and Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War* (Berkeley, CA: University of California Press, 1993); Charlotte Hooper, *Manly States: Masculinities, International Relations and Gender Politics* (New York: Columbia University Press, 2001); Goldstein, *War and Gender*.

<sup>85</sup> Whitworth, *Men, Militarism and UN Peacekeeping*; Valenius, ‘A Few Kind Women’; see also see also Charlesworth, ‘Feminist Reflections’, p. 243.

## Conclusion

This report has uncovered a serious lack of attention to gender issues in the central documents and literature dealing with R2P. Arguing that there is a need for R2P to catch up with developments in the field of peace and security with regard to gender, it suggests integrating two gender perspectives into R2P policies and practices. The first perspective is guided by the question of ‘where are the women?’ and the second by the question of ‘how does gender work?’

Applying the first perspective draws attention to the experiences of women in connection with mass atrocities. This focus on women in specific places means that the mainstream male-as-norm approach is avoided. Hence, the lenses by which to identify possible R2P situations are broadened. This perspective also involves moving beyond the women-as-victims stereotype. It acknowledges the role of women as active agents in prevention and protection activities – as well as the roles women may take on in the commission of mass atrocities. This provides a more comprehensive understanding of what is going on and improves the analyses upon which R2P action may be based. The question of ‘where are the women?’ also point to the need to increase women’s participation at all levels in the prevention of and protection against mass atrocities. To this end it is vital to make use of existing knowledge and policies developed in connection with the implementation of Security Council resolution 1325.

The second perspective sheds light on the work that gender does in connection with the commission of SGBV. It shows how this phenomenon is based on and serves to maintain or cement certain notions of gender and the societal structures derived from these notions. We see that SGBV can be understood as a violent assertion of masculinity, which in turn is dependent upon the devalorizing feminine qualities. Asking how gender works in this context, means challenging ‘common sense’ conceptions of what is political, planned and systematic. That has implications for the identification of R2P situations, as a whole new set of warning signs related to gender relations must be included in the analysis. The focus must be on indications of a hyper-masculinized environment, which allows SGBV to take place, and signs that assertions of masculinity are about to turn violent. These indicators include an increased polarization of gender roles in the society; a change in gender-power relations to the detriment of the feminine; gendered propaganda and hate speech in which the assertion of masculinity/denigration of femininity is clear; and media ‘scapegoat-

ing' of females. This perspective has also implications for which measures to use in dealing with SGBV. It is emphasized that a generalized template approach to dealing with SGBV should be avoided and that measures should be calibrated to deal with the intersection of gender and ethnicity as well as other identities. Moreover, the structures of domination that allow SGBV to take place must be the primary focus – so measures that are aimed at making hyper-masculine language unacceptable will have a central place. More research is needed into how this may be done and whether lessons may be learnt from anti-apartheid and anti-racism work.

These two gender perspectives provide ‘a whole new dimension to “responsibility” and “protect.”’<sup>86</sup> We can only hope that Axworthy and Rock are correct in claiming that ‘such an approach might encourage broader support for [R2P’s] implementation’.<sup>87</sup>

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<sup>86</sup> Swanee Hunt and Sheila B. Lalwani, ‘The UN’s R2P Report is Missing Out by Half’, *Huffington Post*, 2 March 2009, [http://www.huffingtonpost.com/swanee-hunt/the-uns-r2p-report-is-mis\\_b\\_171198.html](http://www.huffingtonpost.com/swanee-hunt/the-uns-r2p-report-is-mis_b_171198.html).

<sup>87</sup> Axworthy and Rock, ‘R2P: A New and Unfinished Agenda’, p. 62.