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Beyond the Weapon-of-War Thesis: Ordered and Enabled Wartime Sexual Violence



Myanmar soldiers. Photo: Shutterstock.

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■ INTRODUCTION

In 2018, the United Nations (UN) documented how various armed actors and organizations perpetrated wartime sexual violence.¹ Over a thousand cases of single and multiple-perpetrator rape were reported in the Democratic Republic of the Congo (DRC). The UN Human Rights Council's independent international fact-finding mission on Myanmar confirmed patterns of mass rape in Rakhine State, as well as credible accounts of sexual slavery in military and police camps. The UN Mission in Afghanistan (UNAMA) revealed dozens of cases of rape of young boys and forced marriage of girls. In other conflicts, state security actors, police and rebel groups used violence or the threat of force to rape or sexually abuse, exploit, prostitute, traffic or torture civilians. The disparate set of actors and organizations and the wide variety of acts means that there are countless types and configurations of sexual violence. In response, researchers have developed typologies to better understand who, why, how and the conditions leading to the commission or toleration of different types of violence.

This research brief presents the current state of research knowledge on the array of different types of wartime sexual violence. Earlier studies have explained the phenomenon in terms of the weapon-of-war thesis, which

focuses on how wartime sexual violence is gendered and used instrumentally by warring actors. Findings from this strand of research have played a prominent role in international law and peace, and security policymaking and practice. But as will be shown in this brief, there are also some important concerns about its applicability to all the different types of atrocity, assaults and abuses. This brief presents insights from a range of studies that have systematically tackled and collected evidence and, in many instances, compared these acts. Drawing on the collective body of research, the brief introduces a novel categorisation of wartime sexual violence built on the distinction between ‘ordered’ and ‘enabled’ wartime sexual violence. Ordered sexual violence is carried out on the basis of explicit authorization or instruction, and generally has a strategic political and/or military purpose. Enabled sexual violence is not necessarily related to a strategic objective but is mainly facilitated by weak accountability mechanisms and norms that are supportive of sexual coercion.

The first section of this brief presents the well-established notion of wartime sexual violence as a weapon of war and explains why it is an important but limited way of thinking about this phenomenon. The second section introduces relevant research findings about armed perpetrators and different patterns of atrocity, assault and abuse. Researchers have shown that sexual violence is diverse and that some armed actors or organizations explicitly prohibit and punish sexual violence. The third section offers my synthesis of this body of research on wartime sexual violence into the two key categories of ordered or enabled. Previous studies have contributed to this effort because they have demonstrated that institutional, intragroup dynamics of armed organizations, and their socialisation processes, either prevent or support sexual aggression and predation. This is fundamentally different from wartime sexual violence that is carried out on the basis of authorized instruction. The third and final section serves as a concluding summary and discussion.

THE WEAPON-OF-WAR THESIS AND WHY IT IS NOT ENOUGH

In the 1990s, during the upsurge of intra-state armed conflicts, scholars and activists observed that wartime rape was intentionally used by protagonists.¹ This conclusion built on examples from incidents of mass rape and ethnically-

targeted sexual assaults in former Yugoslavia and the Rwandan genocide. The patterns of sexually-related atrocity in these conflicts were explained by referring to sexual violence as a weapon of war. In this framework, sexual assault is a gendered conflict strategy, and an instrument of war used to destroy an enemy’s existential perceptions of power and continuity.² Such intent is exemplified by the sexual crimes carried out by Bosnian Serb forces in their rape camps or, more lately, the Islamic State in Iraq’s institutionalised sexual slavery of non-Muslim captive women. Although it came about as a way of making sense out of somewhat extreme cases, the weapon-of-war thesis came to be the major explanation for most instances of wartime sexual assault and abuses. Importantly, from a policy perspective, saying that sexual violence is a weapon of war helped to elevate the problem as a threat to peace and security.

But the sexual violence as a weapon-of-war thesis has also been criticized.³ Research has shown that the reasons that military men carry out rape in the Democratic Republic of the Congo (DRC), for instance, include factors such as lust and status-seeking. Male demands and desires align with the understanding of gendered dynamics in the weapon-of-war thesis, and issues of hyper-masculinity. But importantly, these types of assaults were not necessarily a function of the military’s strategic interests. Rather, researchers who studied rape in the DRC argue that the weapon-of-war thesis can elide the fact that some acts occur as a result of indiscipline and commanders’ ineffectual control over subordinates.⁴ In addition, the framework does not explain all sexual violence. It fails to account for the seemingly decentralized assaults and abuses which may occur in wartime, but which have no real benefit to the armed actors and organizations.

In addition, the extent to which gendered sexual violence occurs in armed conflicts differs depending on many other factors, even within the same conflict. For example, evidence from my research on Burundi’s civil war shows that despite similar conflict motives and gender norms, rebel groups differed in their patterns of sexual violence.⁵ A patriarchal gender hierarchy before the war did not always lead to wartime sexual violence. Only one of the rebel groups, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), enabled a permissive social environment for wartime rape. It did not

choose to systematically enforce a prohibition against rape and had weak disciplinary measures. This demonstrates how institutional choices such as rule-making, rule-dissemination and rule-enforcement are good predictors of sexual violence. It may therefore be more fruitful to use the weapon-of-war thesis as a partial explanation that only accounts for some types of atrocity, and only for some actions, of some kinds of armed actors.

UNDERSTANDING DIVERSITY IN WARTIME SEXUAL VIOLENCE

A more precise and nuanced understanding of wartime sexual violence begins with apprehending the differences between state actors – such as national security forces or guards, police, and paramilitaries – and non-state armed groups, commonly referred to as insurgent movements or rebel groups. Research shows that states are more likely to be associated with sexual violence during conflict.⁶ They are more often reported to be perpetrators of mass rapes, sexual torture and other forms of coercion and abuse. Over two-thirds of reports of sexual violence incidents in a sample from six African post-war states were attributed to government agents. In contrast, non-state armed groups seem in general to be more likely to create rules and enforce norms against sexual predation. While the reasons for this divergence is still disputed, emerging research suggests that the answer may be that most rebel groups are more dependent on civilian support.⁷

This explains why wartime sexual violence is puzzlingly diverse; some actors explicitly include sexual violence as part of their arsenal of conflict strategies and tactics and, for example, issue orders for rape or assault, rely on sexual torture to intimidate political opposition or to acquire intelligence, create rules for forced marriage, or engage in systematic sexual slavery.⁸ Other actors do not explicitly rely upon sexual violence at all as part of their tactics, yet they enable misconduct. Passively or complicity, they look the other way if commanders or foot-soldiers abuse others, including civilians. They never (or rarely) take measures to punish perpetrators, even if their institutions prohibit sexual violence. These groups will not implement punishment or hold cohorts and subordinates accountable. But there is also evidence of actors who do not allow any harm to civilians, and who take active measures to punish perpetrators or prevent some or all of these acts.

SEEING DIVERSITY: BURUNDI REBEL GROUPS AND THEIR INSTITUTIONAL CHOICES

Armed group institutional choices explain some of the diversity in wartime sexual violence. My work on two rebel groups from Burundi's civil war (1994-2008) - CNDD-FDD (National Council for the Defence of Democracy-Forces for the Defence of Democracy) and FNL (Palipehutu-Forces for National Liberation) – is one example.

The CNDD-FDD and FNL rebellions shared most characteristics. They recruited from the same population; held related motivations for fighting; spoke the same language and had a common socio-cultural, religious and gender relations background. Both groups prohibited rape.

However, CNDD-FDD was more associated with, and permissive of sexual violence. Its leadership's rule making, dissemination and enforcement was unclear, uneven and of marginal institutional importance. Commanders were irregular in their delivery of negative messages against sexual violence, punished arbitrarily and some even carried out their own exploitative relationships with young civilian girls. This was CNDD-FDD's permissive institutional culture of impunity.

In contrast, FNL leaders invested in a clear, consistent prohibition. The group's code against rape was in written form, and disseminated repetitively, consistently and recurrently through training and indoctrination. Commanders engaged in strong messaging against sexual predation. Peer-to-peer pressure socialized a norm of sexual temperance. Punishment for rape was execution. It also applied to commanders. FNL's institutional culture was preventive, with accountability for wartime sexual violence.

Institutional choices matter. While Burundians considered CNDD-FDD capable of rape, they linked FNL to good conduct. Indeed, even when it attacked civilians, FNL did not use wartime sexual violence.

Research has examined how non-state armed groups do not permit and/or control sexual violence among their ranks.⁹ For example, in the case of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, it has been shown that commanders made deliberate efforts at deterrence, through training and instruction and punishment. Similarly, research on the internal institutions and strategies of non-state armed groups in El Salvador shows that commanders have choices and capacities for controlling the violence their fighters carry out, and that organizations which have robust political indoctrination and training are the most likely to deter sexual violence.¹⁰ This was also reflected in my research from Burundi, where evidence of punitive practices against sexual violence in Burundi by the rebel group Palipehutu-FNL (a rival of CNDD-FDD) makes

clear that some leaders teach sexual restraint, promote the welfare of civilians, and use peer processes to name and shame followers into sexual discipline.¹¹

ORDERED AND ENABLED WARTIME SEXUAL VIOLENCE: A TYPOLOGY

Drawing on this collective body of research and based on illustrative examples from the scholarly literature, it is possible to construct a synthesized typology that categorizes violent acts using the concepts of *ordered* and *enabled* wartime sexual violence. The record of sexual violence shows that some acts are ordered, based on a political or military objective, or require organization and the targeting of specific victims.¹² Other abuses are (only) enabled by weak accountability processes and are not carried out on the basis of instructions. Enabled violence is facilitated by commanders who look the other way and make sexual violence inconsequential. Importantly, however, whether ordered or enabled, sexualized assaults fulfil multiple, sometime inter-related, functions. Armed perpetrators may also order or enable simultaneously, interchangeably, or change over time. Despite this overlap, distinct patterns are discernible.

As shown in Table 1 (below), we can distinguish between ordered wartime sexual violence as part of a broader pattern of organized political violence, and enabled acts where fighters are merely permitted to commit abuses, including rape, with impunity. This typology underscores how actors create

conditions for carrying out sexualized atrocities or not, and emphasises the perpetrator group motive.

Ordered assaults target some or all women; enemy or opposition-supporting men; or a particular ethnic or religious group, such as the systematic rape against Tutsi women, committed by the FAR and Interhamwe. There is some instrumental purpose to such violence, and it is part of the framework of military operations. If sometimes fighters commit sexual violence in excess, or opportunistically, this does not lessen the strategic impetus that drives this type of violence. For example, large-scale rape might occur due to a combination of strategic uses and opportunities or availability of targets, such as the sexual slavery carried out by the Islamic State against Yazidi women. Previous studies have presented a number of examples of ordered sexual violence. These include ‘national security rape’ (systematically carried out by armed forces to humiliate, torture and punish women and threaten national security) and ‘systematic mass rape’ (used to humiliate and feminize the enemy by demonstrating male failure to protect ‘its women’, symbolizing the rape of the nation or homeland).¹³ Notably, the notion of strategic acts that are ordered strongly resonate with the logic of the weapon-of-war thesis.

In contrast, enabled violence has no strategic basis. Fighters may be acting on their own or in small cohorts and groups, as seen in contexts of impunity during Burundi’s civil war, where CNDD-FDD fighters engaged in rape. They may use sexual violence to extort civilians or to display power and dominance, but such acts are not carried out under instruction, as demonstrated by

Table 1: A Typology of Wartime Sexual Violence

	Ordered	Enabled
Definition	Sexual violence on the basis of explicit authorization or instruction, and generally having a strategic political and/or military purpose.	Sexual violence that is not necessarily related to a strategic objective but rather mainly facilitated by weak accountability mechanisms and norms that are supportive of sexual coercion.
Motives	Strategic; Purposive; Targeted.	Practice; Recreational; Indiscriminate.
Example of violent acts	Mass rape used in religious or ethnic conflicts; sanctioned sexual exploitation of civilians; sexual torture in interrogations; sexual humiliation; systematic sexual slavery and forced marriage.	Indiscriminate sexual harassment, abuse and assaults of civilians, including rape at roadblocks, markets and private homes; rape and sexual torture for extortion or exploitation.
Examples of perpetrator groups	<ul style="list-style-type: none"> • Former Rwandan Armed Forces (FAR) and Interhamwe; • Islamic State of Iraq and the Levant (ISIL). 	<ul style="list-style-type: none"> • US military (Abu Ghraib); • National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD).

the US military with the use of sexual torture in Abu Ghraib. Enabled sexual violence, as a type, is however also primarily dependent on socialization. Research has shown the importance of top-down and peer-based formal and informal processes within an armed organization, illuminating how rules and norms intersect. Sexual violence is a practice, if not explicitly ordered.¹⁴ In some contexts, misogynist or hyper-masculine norms can support the socialization of sexual coercion and peers can encourage or promote violence. Commanders do little to pre-empt incidents. Investigation and punishment are flawed, irregularly applied or ignored for some higher-ranking members. Coercive sexual relations with vulnerable or underage girls are facilitated. Sexual ideals of conquest are valorized. Understanding the concept of sexual violence as a practice has been crucial to seeing the way top-down tolerance for violence, and peer-based cultures of sexual predation, build up and can result in widespread violence.¹⁵

The typology must be applied carefully. First, opportunity (often thought of as a reason for violence) is not included here as a motive. Some researchers include a type of opportunistic or situational violence in their typologies. However, proximity to potential victims or time and the chance to do harm can be found in both ordered and enabled sexual violence. Armed perpetrators may take advantage of their access to enemies or civilians and carry out commissioned violence, but they may also fulfil their own individual preferences for violence. Thus, it is not meaningful to state that there is a category of sexual violence that is ‘opportunistic’. Most armed men in the civil war in Burundi could have had opportunity, but they did not all commit abuses. Referring to sexual violence as ‘opportunistic’ violence masks the agency of individual perpetrators and the choices they make, as well as the enabling processes that facilitate sexual violence. Second, ‘ordered’ and ‘enabled’ help to sharpen thinking about the performance of acts, while still fleshing out similarities and differences. For instance, due to its strategic and signalling nature intended to hurt the enemy or instil fear among the public, one might expect ordered sexual violence acts – such as mass rape – to occur in the open, while enabled acts should be more likely to take place out of sight of other combatants and civilians. But research shows that when group cohesion is low due to forced recruitment, armed organizations enable gang rape, and this form of violence is also carried out openly.¹⁶ Multiple gang rape perpetrators have to commit harms in coordination. Their public acts fuel cohesion within the group and contribute

to an ‘us vs. them’ mentality. Thus, some enabled and ordered violence acts are performed similarly, but for different reasons.

CONCLUSIONS AND IMPLICATIONS

This research brief has presented key research insights to the patterns of wartime sexual violence. While one strand of research has primarily centred on explaining the occurrence of sexual violence as a weapon of war, another has distinguished between different acts of violence and the conditions under which armed actors and organizations command or passively facilitate violence or deter their fighters from carrying out atrocities.

This brief offers a synthesis of previous typologies of wartime sexual violence by introducing two organizing categories: ordered or enabled. Ordered violence is carried out on the instruction of commanders and is woven into the strategic military objectives or tactical aims of a group. It can be used to punish or control civilians or to humiliate an enemy group. In contrast, enabled violence arises from poor accountability mechanisms, passive social norms, or depends on the complicity of group leaders and cohorts.

The implications of distinguishing between ordered and enabled wartime sexual violence are important for several reasons. First, this typology helps to bring to the fore the institutional, intragroup dynamics of armed actors and organizations, and how socialisation processes lend themselves to norms that support sexual predation. Second, it shifts the focus away from the victims of sexual violence to the perpetrators. By doing so, it illustrates important differences at work among conflict parties. Some protagonists do restrain their fighters and limit sexual violence, and not all actors command or facilitate sexual atrocity or wrongdoing. Government armies and insurgent rebellions have choices; they may enact and/or permit assaults and abuses explicitly, or look the other way in the face of sexual misconduct. Such insights can contribute to future efforts to prevent wartime sexual violence. Three key policy implications emerge from this research:

1. *Certain types of conflicts – with sharp cleavages around race, ethnicity, religion or territorial control – tend to be associated with wider, more expansive ordered atrocities.* Policymakers and practitioners have a role to play in predicting the likelihood

of wartime sexual violence in these types of conflicts that have strong identity dynamics. International organizations need to understand where and how civilians might become victims of this type of violence, and make special efforts to warn and assist communities that are vulnerable to predatory armed actors. At the same time, policymakers should distinguish between different types of enabled assaults and abuses.

2. *To ensure that perpetrators are held accountable, policymakers and practitioners need to place a considerable focus on the armed actor perpetrator and their chain of command.* International organizations need to develop a greater understanding of commander responsibilities, demand accountability from armed actors and their supporters, and strengthen reporting in conflict settings. State actors are likely to be more associated with allegations of violence, perhaps in part because they are more visible. But this is not enough; efforts to help reporters and local watchdogs report all abuses by all actors, in an unbiased and credible manner, are needed to strengthen accountability.

3. *Socialisation processes are an important entry-point to stop future assaults and abuses.* Policymakers and practitioners can ask questions about the political ideology, organizational structures, values and rhetoric of armed actors and organizations, and keep track of how soldiers and followers are trained and disciplined. International organizations can make special efforts to map top-down and peer-to-peer norms, including but not limited to gender. Armed actors that do not commission or commit acts, and forces with more restrained reputations, should be engaged in order to understand and promote non-predatory behaviour and environments that do not permit sexual violence. ■

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