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Defying Strategy:

United States Non-Strategic Recognition of Wartime Sexual Violence in the Democratic Republic of Congo

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Abstract

Do states devote valuable material resources and political capital to condemning atrocities when armed intervention is not imminent or when the perpetrator is not an adversary? By exploring United States efforts to condemn the use of sexual violence as a weapon of war, this paper seeks to understand state recognition of wartime atrocities abroad. Observing that strategic concerns cannot sufficiently explain a state's rhetorical and material efforts to condemn the use of wartime sexual violence, this paper offers an alternative theory of non-strategic recognition of wartime sexual violence through a case study of United States efforts in the Democratic Republic of the Congo. The study finds that the perception, among activists and policymakers, of sexual violence as a weapon of war led the United States government to rhetorically and materially respond to wartime sexual violence in the Democratic Republic of the Congo.

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The Democratic Republic of the Congo

Source: Doctors Without Borders

<http://www.doctorswithoutborders.org/publications/topten/2009/assets/images/maps/drc.png>

“Her story is unfortunately far too common. In the DRC’s eastern provinces, 1,100 rapes are reported each month. Rape is being used in armed conflict as a deliberate strategy to subdue and destroy communities.”

-Melanne Verveer, Ambassador-at-Large for Global Women’s Issues, testimony before the US House of Representatives, 21 October 2009

Condemning atrocities is an effective way to vilify an enemy, camouflage belligerent aims so they appear benevolent, or rally support for an imminent armed intervention. Citing an adversary’s use of rape, especially as a weapon of war or a tactic of political repression against women and children, is perhaps one of the most powerful tools in the rhetorical toolbox: waging a campaign of rape against civilians is among the most callous and barbaric forms of warfare. It seems clear, then, that a state has strategic incentives to highlight an adversary regime’s use of sexual violence when preparing to engage that adversary in warfare. Regardless of the scale of the adversary’s abuses, making graphic references to sexual violence, particularly rape, may provide justification for military action. Such was the case in 1990 when President George H.W. Bush augmented his rationale for war by citing Saddam Hussein’s use of systematic rape against the women of Kuwait. (Ben-Porath 2007: 189). As the United States committed forces to the peacekeeping operation in Bosnia, President Bill Clinton recalled the use of systematic rape as a tool of war. (Ben-Porath 2007: 190) President George W. Bush similarly condemned sexual violence by Saddam Hussein’s regime after making the decision in late 2002 to wage war against Iraq; he cited the use of ‘rape rooms’ and rape as a method of intimidation alongside references to other horrific abuses. (Ben-Porath 2007: 194) Graphic discussion of wanton sexual violence used against civilians can sell war quite effectively.

In recent years the international community of states and organizations has begun to recognize sexual violence with increasing frequency and condemnation; this recognition occurs even beyond the context of justifying armed intervention. Acknowledging United States (US) efforts to condemn adversaries’ atrocities for the purpose of justifying belligerent policies or impending troop deployments, as explored in previous scholarship (Ben-Porath 2007; Hunt 2006), this paper investigates state efforts to recognize wartime sexual violence outside of the context of rallying support for armed intervention. Will a state recognize and condemn wartime sexual violence when doing so does not immediately serve the state’s strategic interests? When and on what grounds will a state recognize, condemn, and take action to address wartime sexual violence committed within another state?

By examining US rhetorical condemnation of and material commitments to address wartime sexual violence in the Democratic Republic of the Congo (the DRC), I establish that strategic interests cannot fully explain when, why, and to what extent states recognize wartime sexual violence. I propose an alternative theory in which the framing of wartime sexual violence as a weapon of war motivates states’ responses to wartime sexual violence. The United States government began to recognize sexual violence in the DRC with increasing frequency over time, and the recognition became more consistent and comprehensive when the image of rape as a weapon of war emerged as the dominant frame through which policymakers viewed sexual violence. Political rhetoric and action concerning sexual atrocities in the DRC has followed a consistent pattern, emphasizing the systematic and brutal nature of wartime sexual violence used by combatants against civilians. This pattern of recognition appears to offer support for an ideational explanation of issue framing and persuasion: once policymakers were persuaded of the heinous nature of sexual violence in the DRC, they were more likely to initiate rhetorical and material efforts to condemn it. Realities on the ground in the DRC—better mechanisms

for documenting and reporting sexual violence as well as an increase in the scale of sexual violence in some regions in 2008—helped to solidify the image of rape as a weapon of war and, with it, the US response to wartime sexual violence.

This study offers an initial approach to understanding a state's willingness to recognize and condemn wartime sexual violence by examining causal processes in one case study. In analyzing changes in the US government's response to sexual violence in the DRC over time I seek to move beyond the study of states'—and specifically presidents'—strategic condemnation of adversaries' atrocities to gain a deeper understanding of the broader international community's efforts to respond to sexual violence. While I freely concede that sexual violence remains a powerful rhetorical tool that can be used to advance strategic aims, I seek to establish that these strategic aims cannot explain the response to wartime sexual violence in all cases. By understanding the conditions necessary to trigger a state's earnest response to wartime sexual violence, beyond strategically employed rhetoric, I hope to contribute to the broader understanding of when and why wartime sexual violence in *any* conflict elicits condemnation and action from states.

The paper proceeds as follows: I first review existing understandings of state recognition of atrocities and propose an alternative explanation of state condemnation of wartime sexual violence; then I outline and justify the sources used to construct a case study of the US response to sexual violence in the DRC; third, I discuss the findings and their implications; finally, I offer conclusions and avenues for further research.

Understanding State Responses to Atrocities: Recognition of Wartime Sexual Violence

States may be motivated to condemn atrocities by strategic or ideational interests. Condemning atrocities committed by an adversary can justify existing or impending armed intervention or provide political cover for unpopular actions. In some cases, however, long-held or nascent international normative prohibitions serve to constrain states' behavior and eventually persuade states of the inherent inappropriateness of a given action, such as the use of indiscriminate weaponry like nuclear missiles or landmines. Wartime sexual violence is a particularly interesting atrocity to examine because, until very recently, it was not considered an atrocity at all. Sexual violence has historically been considered a regrettable but inevitable consequence of war, particularly of an invading force's tendency to 'rape/loot/pillage'. Until the mid-1990s, combatants perpetrated sexual violence in war with nearly absolute legal and political impunity.ⁱ There is, at present, no strong and internalized international norm effectively preventing the use of sexual violence in armed conflict, but international political rhetoric over the course of the last two decades has increasingly labeled sexual violence as a grave concern and a punishable offense. The use of sexual violence is prohibited by international law, but the difficulty of securing prosecutions or establishing effective prevention mechanisms has limited the reach of international condemnation of sexual violence. (Fourth Geneva Convention 1949; Additional Protocol I 1977; ICC Rome Statute 1998) When states recognize and condemn wartime sexual violence committed within another state or region, what motivates this political act? This section discusses two concepts: strategic recognition of wartime sexual violence and non-strategic recognition of wartime sexual violence.

Strategic Recognition of Wartime Sexual Violence

Compliance with normative obligations or expressing concern for another state's civilians may at times function as cheap talk or 'windowdressing' for existing state interests. States may condemn wartime sexual violence committed by an adversary in order to rationalize a war or similar strategic action. Strategic interests may constitute a mechanism driving a state's response to wartime sexual violence according to rationalist approaches in International Relations.

Within realism and neorealism, self-interested states are the only consequential units within the international system and they generate the system's structure through their interactions with each other. (Lebow 1994) Given the anarchic nature of the international system states will experience ongoing conflict, security is the central concern, and there are few, if any, costs associated with norm violations such as failure to respect human rights. (Krasner 1993) Realist scholars view international law and norms as the 'windowdressing' used by liberal states who wish to promote and protect their interests. (Avdeyeva 2007: 880) In this sense, we might expect that a state response to wartime sexual violence may simply serve as cover for existing political aims and interests.

Human rights violations, specifically oppression of women and the use of rape as a tool of political repression or a weapon of war, have been cited by US policymakers as justification for the war on terror. Before and after invading Afghanistan in 2001, the Bush administration worked to publicize the oppression of Afghan women under the Taliban to justify the military intervention. Seemingly odd rationale for a state that had not (and still has not) ratified the Convention on the Elimination of Discrimination Against Women (CEDAW), the "image of the Afghan woman shrouded in the burqa played a leading role" in the administration's public justification for military intervention in Afghanistan after the September 11, 2001 attacks. (Ayotte and Husain 2005) Prior to the invasion of Iraq in March 2003, the Bush administration similarly publicized the human rights violations and use of rape as a means to suppress opposition under Saddam Hussein's regime. In September 2002, while attempting to persuade the international community and the American public of the validity of an invasion of Iraq the Bush administration recounted the Iraqi regime's use of 'rape rooms' and its general practice of rape as a means of intimidating political opposition. (Ben-Porath 2007:194) After the revelation of sexual abuses carried out by US troops at Abu Ghraib, however, the mention of rape rooms and sexual torture faded from the administration's rhetoric and the actions at Abu Ghraib were condemned as the misdeeds of a few 'bad apples' rather than the policy of an administration and the values of a nation. (Ben-Porath 2007:196) When condemning sexual violence became politically inconvenient and had the potential to undermine support for US intervention in Iraq, the administration abandoned its rhetoric on sexual violence.

Strategic interests function as a mechanism driving states to respond to atrocities, including wartime sexual violence, when responding to atrocities provides political cover or generates support for an existing interest. According to this explanation, state interests matter and the scale, nature, or egregiousness of the atrocity only provide the window-dressing for the state's existing belligerent aims. The observable implication of this explanation is that a state will condemn the use of sexual violence by its adversaries, particularly in the buildup to war or to highlight a civilizational divide and make an adversary appear barbaric. A state will likely condemn sexual violence (conflict-related or more broadly considered) within an adversary's borders in order to justify intervention or other domestically or internationally unpopular belligerent maneuvers. Conversely, a state will avoid references to sexual violence, especially graphic anecdotes that evoke sympathy for victims and anger toward the

perpetrators, when seeking to avoid military engagement. (Ben-Porath 2007:192-194) Sexual violence is, in and of itself, a non-issue and serves as a pawn when convenient to build support for the state's impending military engagement by making intervention appear benevolent. (Hunt 2006) A second observable implication suggests that, if strategy is the only mechanism at work, a state will not work to institutionalize the means to respond to wartime sexual violence and will only respond when doing so meets strategic or military ends. When sexual violence is employed as a rhetorical tool to support strategic interests, discussion of sexual atrocities is limited to the points at which it is advantageous and there is little chance of long-term recognition of wartime sexual violence as an issue. State interests remain stable and interest in issues like wartime sexual violence will ebb and flow depending on their synchronicity with strategic aims.

Non-Strategic Recognition of Wartime Sexual Violence

Strategic interests may not be sufficient to explain state responses to atrocities; it is conceivable that states can learn and be persuaded that an issue that is not directly related to the national security and political or military strategy of the state still falls within the state's general realm of interests. Wartime sexual violence committed within another state or region may constitute one of these issues.

Before an issue can gain widespread acceptance and trigger a response from states, it must be framed and presented in a compelling way. An issue's frame has a significant impact on the extent to which it will resonate with states and the policymakers within them or successfully graft onto existing ideas, norms, and prohibitions. (Price 1995; Price 1998; Carpenter 2006) Wartime sexual violence has been framed at various times as a women's security issue, a human rights violation, a war crime, a constitutive crime of genocide, and a weapon of war, all with varying degrees of resonance and long-term effectiveness.ⁱⁱ The non-governmental organizations (NGOs), civil society groups, or individuals attempting to introduce a new issue to states within the international community must engage in "active, manipulative persuasion" to attract attention to the issue and create a sense of urgency in addressing it. (Price 1998: 616)

Constructivist scholars discuss issue framing in the context of a norm's emergence into international dialogue, the first stage of a norm's life cycle. (Finnemore and Sikkink 1998) In his study of the international land mine ban, Price traces the weapon's transformation—in international rhetoric—from a conventional weapon to a violation of the laws of war and international humanitarian law. Transnational advocates successfully framed anti-personnel land mines as indiscriminate weapons that caused "unnecessary suffering" and "superfluous injury", which are prohibited under international law. (Price 1998: 628) In a short time, an international prohibition of anti-personnel land mines became institutionalized and the use of such weapons is considered a "particularly wretched transgression of the norm of discrimination", (Price 1998: 628) despite the fact that using these cheap and easily deployed weapons often directly served states' strategic interests.

Frames not only impact the extent to which an issue is accepted or 'adopted' by the international community; they have real effects on the way in which states craft their policies and organizations carry out their daily work. Carpenter's study of the civilian immunity norm—which has evolved over time from protection of a list of both male and female individuals employed in specific vocations to the protection of women, children, and the elderly—demonstrates the impact of frames and issue definitions. (Carpenter 2006; Hartigan 1967) International humanitarian agencies are restricted by the 'innocent women and children' frame, which leads not only to inefficiencies in the services these organizations

provide to vulnerable populations (of both sexes) but also to the reproduction of gender stereotypes in war. Humanitarian agencies find that the issue's frame controls their work and is relatively fixed, as states, the media, donors, and organizations have come to know, accept, and internalize the 'innocent women and children' frame. (Carpenter 2006)

Over the course of the past two decades, states and international organizations have begun to recognize and condemn wartime sexual violence with greater frequency. Although variation in the degree of response to sexual violence across concurrent conflicts exists, the issue as a whole has received increased attention in recent years. Wartime sexual violence burst onto the international agenda in the mid-1990s with the use of systematic sexual violence—in the form of gang rapes, sexual slavery, forced impregnation, and other sexual and gender-based atrocities—as a method of genocide in the former Yugoslavia. Media coverage, NGO campaigns, and civil society efforts pressured states and the United Nations to take sexual violence seriously.ⁱⁱⁱ The prosecutors for the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda's (ICTR) included rape as a war crime, a crime against humanity, and a constitutive crime of genocide among their charges after the extent to which combatants used rape as a method of torture, humiliation, and genocide in both conflicts came to light during the tribunals' proceedings. (Skype interview with ICTR prosecutor, 27 July 2012)

This study argues that issue framing is a crucial mechanism driving state responses to wartime sexual violence. If sexual violence is framed as a weapon or tactic of war then states will respond even if doing so does not have a direct effect on strategic interests. 'Rape as a weapon' of war "refers to sexual violence as having a systematic, pervasive, or officially orchestrated aspect," (Buss 2009: 149) and underscores the assertion that, unlike opportunistic sexual violence, these acts are "not random acts, but appear to be carried out as deliberate policy." (Niarchos 1995: 658) If this framing mechanism impacts states' responses to wartime sexual violence, then political discourse and rhetoric and material commitments in response to wartime sexual violence will increase in strength and become more consistent over time, especially when sexual violence within a given conflict fits the 'rape as a weapon' frame. In contrast to the strategic explanation, state responses to wartime sexual violence will generally increase over time and in response to increases in the scale of violence, rather than ebb and flow based on current military engagements or alignment with national security interests.

Examining the US Response to Sexual Violence in the DRC

A dynamic body of literature has addressed the prevalence of, variation in use of, and international and domestic legal mechanisms that have evolved to address sexual violence in war. (Farr 2009; Meger 2010; Leatherman 2011; Heineman 2011; Cohen; Wood 2006; Wood 2009; Askin 1997; Scully 209; Boesten 2010; Harrington 2010) Political Science scholarship, to date, has not addressed the political mechanisms driving the development of the international community's response to wartime sexual violence. Why do states, in particular, respond to wartime sexual violence, especially when doing so is not linked to strategic interests?

This paper takes a first step toward understanding the international response to wartime sexual violence by focusing on one strong state actor, the United States, and its evolving political response to what is now viewed as a prominent and pressing case of wartime sexual violence, the Democratic Republic of the Congo.

The US response to wartime sexual violence in the DRC is the dependent variable of interest. This paper adopts a broad approach to the concept of the 'US response', by analyzing political discourse or rhetoric and material commitments. Discourse and rhetoric include Presidential speeches, Executive Orders, Congressional hearings and records, State Department press releases, and speeches by State Department officials. Material commitments include financial and troop or personnel commitments.

Wartime sexual violence encompasses a broad range of sexual atrocities committed in the build-up to armed conflict, in the midst of active hostilities, and during the post-conflict transition and reconstruction period. Political rhetoric focuses most frequently on rape, just one aspect of wartime sexual violence; because of this focus, sections of the paper discussing political rhetoric, material commitments, direct quotes, and the dominant frame of 'rape as a weapon' maintain the language used by policymakers to avoid confusion. Where it is appropriate, I discuss the broader concept of wartime sexual violence.

I emphasize the *political* response to wartime sexual violence because the issue is still developing and enforcement of the legal prohibition on wartime sexual violence—established by the fourth Geneva Convention, its Additional Protocol in 1977,^{iv} and the precedents set by the ICTR, the ICTY, and the International Criminal Court (ICC)—largely depends on the extent to which the occurrence of sexual violence in a given war gains recognition from the international community. International political discourse and recognition of wartime sexual violence has led, over the course of the past two decades, to increasingly effective efforts to prevent sexual violence, protect civilians and survivors, and prosecute perpetrators. States are central to the international community's efforts to respond to wartime sexual violence: they are the central targets of transnational advocates, who capitalize on ties to sympathetic states to create change in another state or region; (Keck and Sikkink 1998) they participate in international organizations and forums, like the United Nations (UN) Security Council, and generate resolutions that promote or enforce norms; and, most critically, they have the ability to make financial, material, and personnel commitments to address problems and support solutions.

Measuring the Response

To understand the motivations driving a state's response to wartime sexual violence, this paper discusses US efforts to respond to wartime sexual violence in the DRC. The relationship between the US and the DRC offers an interesting perspective on state condemnation of atrocities for several reasons: the US has not expressed an interest in active military involvement beyond its small contingent of peacekeepers deployed through the UN; the DRC is a valuable ally, rather than an adversary, and condemnation of atrocities committed by an ally conflicts with conventional wisdom; and the response to sexual violence appears to grow consistently stronger over time despite consistent US involvement with the UN Organization Mission in the Democratic Republic of the Congo (MONUC), the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and military training in the Great Lakes region.^v

This single case study explores variation in the US response to wartime sexual violence in the DRC. States, the UN, and NGOs have frequently cited the use of sexual violence as a weapon of war by most of the combatant forces involved in the conflict in the DRC. (HRW 2002: 23) In observing shifts in political discourse over time, such as naming and shaming of perpetrators or use of specific phrases to

discuss sexual violence, this paper seeks to shed light on the mechanisms driving a state's response to wartime sexual violence, a relatively novel atrocity on the international agenda. Specifically, I hope to contribute to the understanding of whether or not a state will respond to atrocities when doing so does not serve immediate strategic interests such as building support for military intervention.

Data for this study were collected from a variety of sources, including electronic archives and databases, US government websites, and semi-structured interviews. The current US Department of State website^{vi} and the electronic archives for the State Department under George W. Bush and Bill Clinton^{vii} afford access to press releases, policy documents, and annual Country Reports on Human Rights. ProQuest Congressional research database and search engines such as Govtrack.us provide access to Congressional records, studies, and the complete transcripts of hearings used in this study. Using the text of these documents I traced the evolution of the US response to wartime sexual violence in the DRC.

The Country Reports on Human Rights (Human Rights Report) provide insight into the types of human rights violations and abuses for which the US State Department has received and recorded reports.^{viii} These reports indicate whether or not the US government has documented evidence of human rights violations and abuses, as well as the State Department's perception of the credibility of initial reports and the scale of atrocities. I analyzed the Human Rights Reports on Zaire from 1990 through 1996 and on the DRC from 1997 through 2011 (the most recent report) to establish a measure of US recognition of sexual violence over twenty-two years. The inclusion of a specific violation or abuse, such as sexual violence, in the Human Rights Report suggests that the US government has knowledge of that atrocity. During the years in which there are few or no reports of wartime sexual violence in the DRC, we would not expect the US to respond to wartime sexual violence in the DRC. The Human Rights Report cites isolated incidents of rape, sexual abuse, and violence against women beginning in 1990, but—unsurprisingly—do not begin to cite rape or sexual violence in the context of armed conflict consistently until the 1997 report.

To assess the extent to which the US government has responded to wartime sexual violence in the DRC, I analyzed Presidential, Congressional, and State Department documents focused on the DRC or on the global issue of wartime sexual violence. I examined the transcripts of Presidential speeches and government officials' remarks at the UN Security Council from 1992 through 2012.^{ix} In addition, I included Executive Orders issued from 1993 through 2012.^x I studied Congressional hearings, debates, remarks, bills, and studies from 1996 through 2012. I include engrossed resolutions, resolutions that failed, and remarks as measures of the presence of wartime sexual violence in Congressional discourse and the success or failure of advocacy within Congress. Given the sustained references to sexual violence in the DRC in the Human Rights Report from 1997 onward, but not before this date, I include State Department speech and press conference transcripts and press releases from 1997 through 2012.^{xi} These documents provide insight into the government's outwardly focused discussions of the DRC and wartime sexual violence and provide an effective measure of the US response.

Discussion

The US established diplomatic ties with the DRC (then Zaire) in 1960 after the country's independence from Belgium. Active US diplomatic involvement in the DRC began in the wake of the first Congolese civil war (1996-1997) when the US participated in mediation efforts with the UN, the European Union, and the Organization for African Unity, which resulted in the July 1999 Lusaka Ceasefire Agreement between

the DRC and Angola, Namibia, Rwanda, and Zimbabwe. (Autesserre 2010; 49) US involvement in the DRC increased in late 1999 with the slow deployment of MONUC, which was mandated to observe the ceasefire and combatant disengagement, as well as maintain liaison between the parties to the Lusaka Ceasefire (UNSC Resolution 1279) The UN Security Council replaced MONUC with MONUSCO in July 2010, reflecting changing understandings of the conflict and a need to include civilian protection (including protection from widespread sexual violence) in the mission's mandate. (UNSC 1925; UNSC 2053) As a minor troop contributor and major financial contributor to both MONUC and MONUSCO, the US has been involved in the DRC fairly consistently since late 1999.^{xii} Throughout its involvement in the DRC, however, US officials expressed an unwillingness to launch any major US military engagement or humanitarian intervention in the Great Lakes region; instead US policymakers consistently conveyed an interest in supporting UN-led efforts to stabilize the region. ("The Challenge in the Congo" 3 June 1997; Clinton remarks 17 February 2000; State Department press statement 20 December 2004) Despite consistent involvement in UN operations in the DRC during the period studied, the US response to wartime sexual violence varied over time and did not increase sharply around periods preceding or immediately following the deployment of the small number of US personnel to the UN missions.

Sexual violence has been widespread and systematic during periods of active fighting at the regional, national, and local levels, as well as during the peace and transition processes. (HRW 2009: 15) While collecting data on sexual atrocities proves to be a difficult endeavor, NGO and government reports indicate that the scale of sexual violence increased dramatically beginning in 2008. (HRW 2009: 15; Human Rights Report 2008-2012) Wartime sexual violence has persisted in the DRC throughout the past two decades; its presence has been recorded for as long as the US has been diplomatically and financially involved in the conflict in the DRC. Nevertheless, US recognition of and response to wartime sexual violence in the DRC has become more consistent in recent years with the popular understanding of sexual violence as a weapon or tactic of war. The adoption of this frame for wartime sexual violence, which was supported by a surge in the scale of sexual violence in 2008, appears to explain US condemnation of wartime sexual violence in the DRC.

The US Response to Wartime Sexual Violence in the DRC—Patterns

The State Department's annual Human Rights Report first reported sexual violence by government security forces in Zaire in 1993. A single reference in the report notes: "Undisciplined security forces also continue to beat, rob, rape, and kill citizens in the own homes. Hundreds of such cases occurred during armed forces' looting in January." (Human Rights Report, 1993) References to rape by security forces and other combatant groups continue to appear in the Human Rights Report, increasing little by little each year from 1993 through 2003. Figure 1 below illustrates the growing prevalence of references to rape and other forms of sexual violence in the Human Rights Report's from 1990 through 2011:

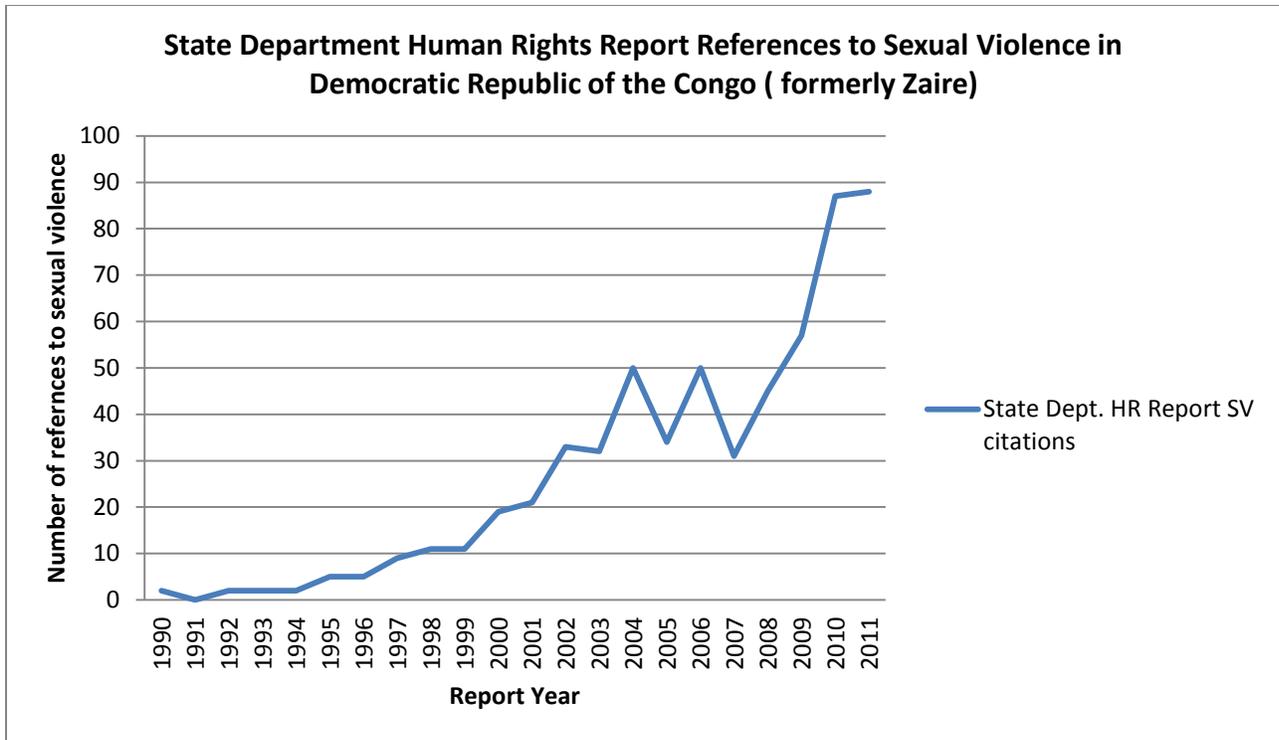


Figure 1: Number of references to rape and other forms of sexual violence in the Human Rights Report, 1990-2011

The earliest reports refer only to ‘rape’; the term ‘sexual violence’ does not appear in the Human Rights Report on the DRC until 2002. The reference counts include references to both rape and sexual violence from 1990 through 2011 and provide an indication of the extent to which the US government was aware of the occurrence of sexual violence.

Figure 2, below, demonstrates the relationship between increased awareness of sexual violence in the DRC, as measured by references in the Human Security Report, and political discussion of wartime sexual violence in the DRC:

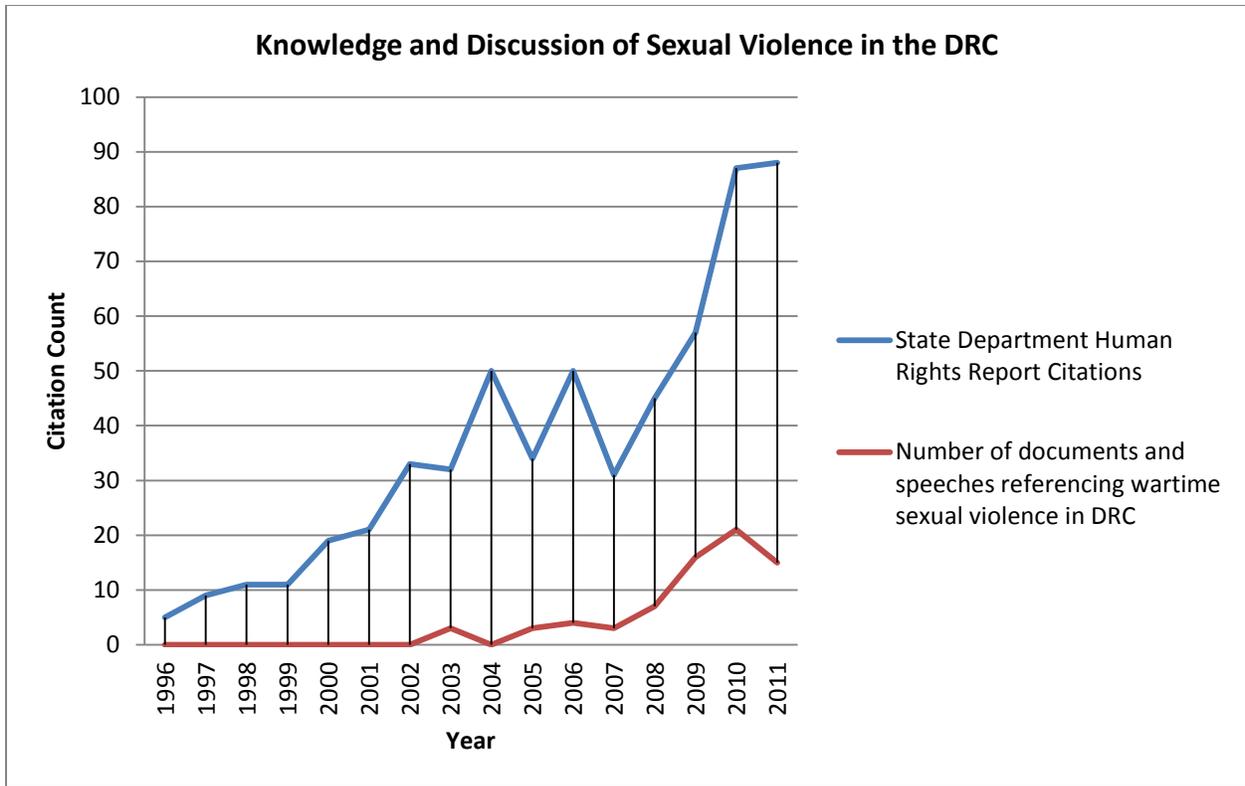


Figure 2: Relationship between knowledge and discussion of sexual violence in the DRC within the US government.

Overall, the increase in awareness of wartime sexual violence in the DRC correlates positively with the number of documents and speeches referencing and condemning wartime sexual violence in the DRC, but only after 2003. Prior to 2003 the US government did not make public references to wartime sexual violence in the DRC. The steady increase, beginning in 2008, in both references to wartime sexual violence in the Human Rights Report and the number of documents and speeches referencing wartime sexual violence in the DRC appears to be related to greater focus on wartime sexual violence in the DRC by NGOs and the UN and the increased scale of wartime sexual violence, especially in the Kivus.

How has US recognition of wartime sexual violence in the DRC compared to US discussion of the conflict in the DRC? Figure 3, below, depicts the relationship between the level of discussion within the US government of the conflict in the DRC in general and the subset of that discussion focused on wartime sexual violence in the DRC:

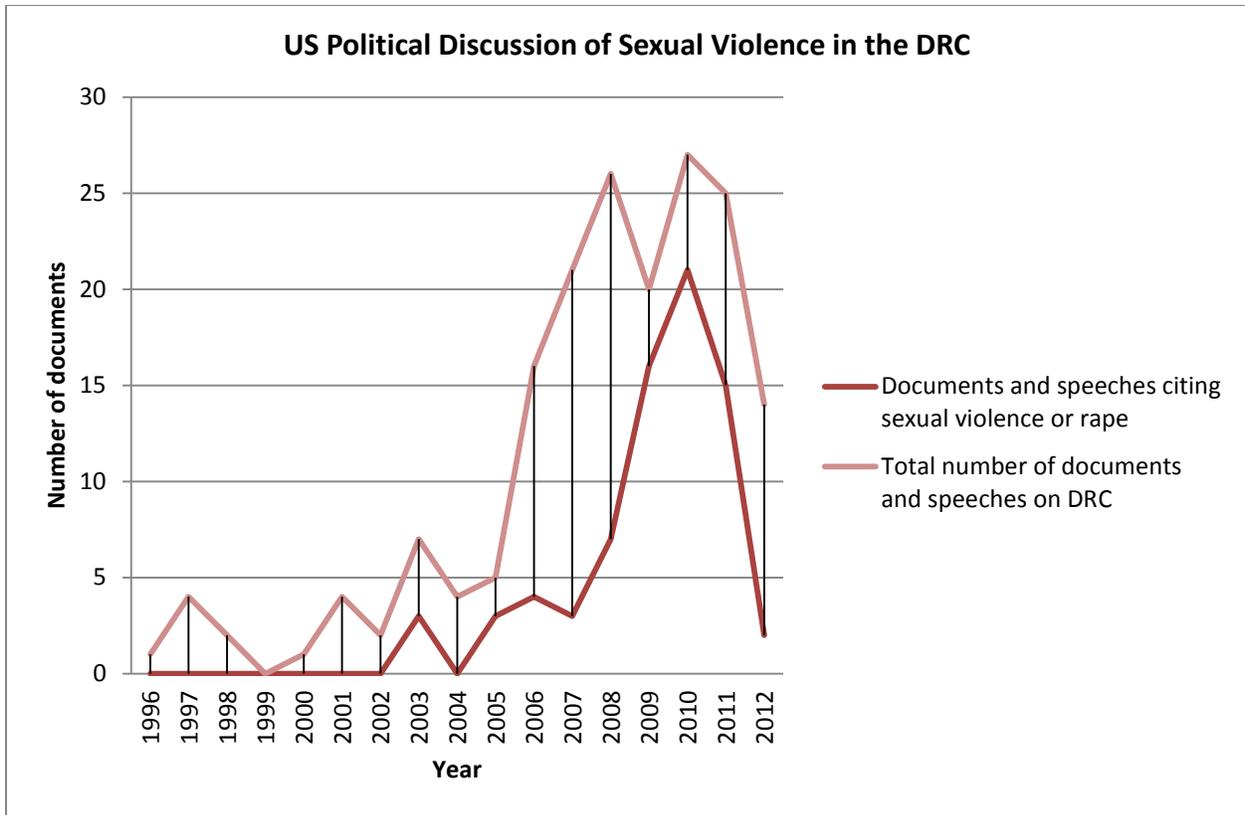


Figure 3: US political discussion of the DRC and wartime sexual violence in the DRC.

As discussed above, US political discourse on the DRC excluded wartime sexual violence prior to 2003, but not for lack of attention to the conflict in the DRC. Although consideration of the conflict in the DRC was comparatively less common from 1996 through 2002 than it was after 2003, the conflict did have a place in Presidential, Congressional, and State Department discourse. Wartime sexual violence in the DRC during the 1996 to 2002 period, however, was a non-issue. From 2003 onward, increased attention to the DRC in general is positively correlated with recognition of wartime sexual violence in the country, especially after 2008. The sharp decline in both measures after 2011 warrants further study as more documents become available and more time passes; whether or not the decline represents a long-term trend requires further study.

The US Response to Wartime Sexual Violence in the DRC—Critical Points

The US response to wartime sexual violence in the DRC appears to result from increased awareness of the scale and effects of wartime sexual violence, as well as effective framing of the issue by NGOs and civil society actors and policymakers with personal ties to the region or the issue. The four-year lag between initial US involvement in regional mediation efforts and MONUC and the point at which US political discourse began to include condemnation of wartime sexual violence in the DRC suggests that strategic interests cannot sufficiently explain the response to wartime sexual violence in this case.

Knowledge of wartime sexual violence alone is also insufficient to explain the US response. Despite reports of rape and other forms of sexual violence from 1993 onward in the annual Human Rights

Report, US government documents and speeches did not include discussion of rape or other forms of sexual violence in the DRC until 2003. House Resolution 239, a resolution on conflict diamonds introduced on 26 June 2003, observed that “rape was used as a weapon of war, a tactic of terror, and an act of revenge against scores of women and girls” in the DRC and Angola. (2003 H.Con.Res. 239) The resolution was referred to committee, where it died, but it applied the ‘rape as a weapon’ frame to the situation in the DRC. House Resolution 4818, introduced on 13 July 2003, called for \$5 million in programmatic funding for the DRC, Uganda, Burundi, and Liberia to address sexual and gender-based violence; the version that became law appropriated funds more generally for programs addressing sexual and gender-based violence in sub-Saharan Africa. (2003 H.R. 4818) In the same year, 2003, USAID granted \$500,000 to the International Rescue Committee to fund a program dedicated to helping rape survivors in North and South Kivu. (Ambassador John Negroponte, 29 October 2003) The initial recognition of the use of sexual violence as a tactic of war prompted both rhetorical condemnation and financial commitments to prevention and assistance programs in the DRC and, more generally, sub-Saharan Africa.

2003-2007: Framing Rape as a Weapon of War

The 2003 Human Rights Report, issued in early 2004, made the first reference to rape as a weapon of war in the DRC. The frame’s inclusion in the 2003 Human Rights Report was not the first time this description of rape was applied to the DRC, but it was the first time a US public document employed the frame in a discussion of conflict in the DRC. On 6 December 2000 and again on 21 February 2001 the UN Secretary General condemned the use of “rape as a weapon of war” by combatants in the DRC; US officials were present on both occasions. (UNSG 6 December 2000; UNSG 21 February 2001) A Human Rights Watch (HRW) report, released in June 2002, focused on sexual violence against women and girls in eastern DRC and described the use of sexual violence as a weapon of war. (HRW 2002) The 2003 Human Rights Report cited both the 2002 HRW report and a statement by U.N. Special Rapporteur of the Human Rights Situation in the Democratic Republic of the Congo, M. Iulia Motoc, charging: “armed groups used rape as a tool of war. ...Between October 2002 and February 21, in the Uvira area, a women’s association recorded 5,000 cases of rape, corresponding to an average of 40 per day.” (2003 Human Rights Report) The Report also observed: “The use of mass rape and sexual violence as weapons of war intended to destroy the structure of the family has harmed Congolese society. Often rejected by their families or infected by sexually transmissible diseases or HIV, women have nowhere to turn for help. The climate of impunity continues unabated.” (2003 Human Rights Report) NGO advocacy and efforts by UN agencies to address wartime sexual violence began to impact US policy discussions.

Recognition of wartime sexual violence in the DRC (and discussion of wartime sexual violence more generally, both within the US and at the UN) hit a lull until the discovery of UN peacekeepers’ complicity in sexual violence and exploitation in the DRC. During a 2005 US hearing on reforming MONUC to prevent sexual misconduct by peacekeeping forces in the DRC and enhancing mechanisms to prevent and respond to such misconduct by peacekeepers in any operation, members of the House of Representatives expressed concern that peacekeepers exacerbated wartime atrocities despite their role as agents of stability. During the hearing, HRW leveraged its influence as a witness to call on US officials to look beyond peacekeepers’ misconduct and take meaningful action to stop the use of sexual violence by combatants in the DRC. The witness urged members of the House to recognize that far more women and girls are sexually assaulted by combatants in the DRC than by peacekeepers, and addressing both types of perpetrators is essential. (House Hearing 1 March 2005: 64-65)

The Democratic Republic of the Congo Relief, Security, and Democracy Act of 2006, which was introduced on 10 July 2006 and became law on 22 December 2006, authorized \$52 million for assistance to the DRC for fiscal year 2006. Among the Act's motivations was the interest in "halting the high prevalence of sexual abuse and violence perpetrated against women and children in the [DRC] and mitigating the detrimental effects from acts of this type of violence by undertaking a number of health, education, and financial support measures..." (S. 2125) The Act took concrete steps toward addressing the issue of wartime sexual violence in the DRC by commitment financial resources to assistance programs, rather than simply engaging in rhetorical condemnation. Around the same time, Executive Order 13413, which froze the assets of several key perpetrators in the DRC on 27 October 2006, cited the horrific scale of sexual violence as part of the rationale for the asset freeze. In remarks to the Senate Committee on Foreign Relations Subcommittee on African Affairs on 24 October 2007, Assistant Secretary of State for African Affairs Jendayi Frazer stated that the Bush administration considered the "epidemic of sexual and gender-based violence" to be one of the four critical areas in the US diplomatic approach to the conflict in the DRC. (Jendayi Frazer, 24 October 2007)

2008-2012: Strengthening the Response

The most critical period was 2008 through 2009, during which US political discourse not only focused consistently on wartime sexual violence in the DRC but also became more active in the effort to respond to wartime sexual violence at the UN level. On 1 April 2008 the Subcommittee on Human Rights and the Law of the Senate Committee on the Judiciary held a hearing entitled "Rape as a Weapon of War: Accountability for Sexual Violence in Conflict." The hearing was the first Congressional hearing dedicated solely to examining sexual violence in armed conflict, which Senator Durbin deemed "a sad testament to our failure to take action to stop this horrific human rights abuse." (Senate hearing, 1 April 2008: 1) Despite its presumed focus on rape as a weapon of war in general, the hearing centered on the abuses perpetrated by combatants in the DRC. Senators made repeated references to the horrific scale of sexual violence, its use as a weapon of war, and official visits to Goma, during which Senators were personally moved by victims' stories and the efforts by Dr. Denis Mukwege and his hospital staff to attend to the medical needs of rape survivors. (Senate hearing, 1 April 2008: 3) Apparently moved by their personal connections to the horror in the DRC, as well as the presence of Dr. Mukwege at the hearing, the Senators emphasized a need to respond to sexual violence in the DRC in particular: "We have spoken of many countries where this use of rape as a tactic of war has been prevalent. We focused on the...Democratic Republic of Congo, and not to take anything away from the tragedy and genocide of Darfur, I hope that today's hearing will encourage people to look more closely at the sad, tragic situation in Democratic Republic of Congo." (Senate hearing, 1 April 2008: 30) Senators asserted that "use of rape as a weapon of war is at its worst in the Democratic Republic of Congo" (Senate hearing, 1 April 2008: 2) The graphic discussion of sexual violence as a weapon of war in the DRC during this Congressional hearing both galvanized US support for assistance to survivors of wartime sexual violence in the DRC and helped to inspire US leadership on UN Security Council Resolution 1820 (Resolution 1820) two months later.

The US delegation to the UN Security Council used its Council presidency to hold an open debate on wartime sexual violence, which led to the adoption of Resolution 1820 on 19 June 2008. (UNSC Resolution 1820) US leadership on this issue, under Secretary Rice and Ambassador Zalmay Khalilzad, was driven largely by personal appeals to address wartime sexual violence, especially in the DRC. (UNSC 5916th meeting) Civil society activists and United Nations personnel lobbied the US delegation through the use of the documentary "The Greatest Silence" and victims' accounts. In a separate but coordinated

effort Ambassador Khalilzad's wife pressured him to support the cause by showing him "The Greatest Silence", which ultimately led him to take the issue of wartime sexual violence in the DRC seriously. (Interview with UN Women official, Washington, DC, 25 February 2013; interview with UN Women official, New York, 18 June 2012; Steinberg in Kuehnast et al 2011: 128) Resolution 1820 reiterated the 'rape as a weapon' frame and called for immediate cessation of the use of sexual violence as a tactic of war. At the time, there were no imminent national security concerns that required the US to use its Security Council presidency for national security or strategic concerns, which suggests that the centrality of the issue of wartime sexual violence may be limited when direct national security concerns are at stake. (Interview with State Department official, Washington, DC, 13 August 2012) This also suggests that wartime sexual violence, in the DRC and elsewhere, was not a strategic concern for the US and was therefore not driven by strategic mechanisms.

On 13 May 2009 a Senate Committee on Foreign Relations hearing, "Confronting Rape and Other Forms of Violence Against Women in Conflict Zones, Spotlight: DRC and Sudan" focused on the issue of rape as a weapon of war. As one Senator observed: "Rape and other forms of gender-based violence are not just outgrowths of war and its brutality, they can also be weapons of war." (Senate hearing, 13 May 2009: 2) The hearing also recalled Resolution 1820's focus on sexual violence as a weapon: "U.N. Security Council last year passed Resolution 1820, which condemns the use of rape and other forms of sexual violence in conflict situations and states that rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide." (Senate hearing, 13 May 2009: 2) At this point, politicians began to reiterate the language used by HRW reports, witness testimonies from prior Congressional hearings, and UN discussions; politicians started to discuss wartime sexual violence in the DRC as an intentional tactic of war, rather than a regrettable consequence of a chaotic situation. Adopting this view of wartime sexual violence facilitates more effective efforts to address and punish such atrocities.

In August 2009 Secretary Hillary Clinton and Ambassador-at-Large for Global Women's Issues Melanne Verveer visited the DRC and held a roundtable discussion with NGOs and activists working to address sexual and gender-based violence and announced that the US would commit \$17 million to efforts to prevent, respond to, and assist survivors of sexual and gender-based violence in the DRC. (Hillary Clinton, 11 August 2009) In her remarks, Clinton cited the US government's commitment to condemning *systematic rape*. Secretary Clinton recalled this visit to Goma when she introduced UN Security Council Resolution 1888 (Resolution 1888) on 30 September 2009. Resolution 1888 established the position of Special Representative to the Secretary General for Sexual Violence in Armed Conflict. (UNSC Resolution 1888) It also reaffirmed the US Government's commitment to addressing wartime sexual violence in the DRC. The justification for the resolution drew on statistics from the conflict in the DRC: "In the Democratic Republic of Congo approximately 1,100 rapes are being reported each month, with an average of 36 women and girls raped every day. In addition to these rapes and gang rapes, of which there have been hundreds of thousands over the duration of the conflict, the perpetrators frequently mutilate the women in the course of the attacks." (Hillary Clinton, 30 September 2009; Fact Sheet 30 September 2009)

The momentum that had grown from 2008 onward ensured the inclusion of wartime sexual violence in much of the discussion surrounding US efforts in the DRC. Congressional Research Service reports in June 2010, November 2010, and February 2011 all focused on the issue of sexual violence in African conflicts, and each focused in large part on the DRC. (Arieff June 2010; Arieff November 2010; Arieff 2011) The House Committee on Foreign Affairs held a hearing, "The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy", on 8 March 2011 to address the protracted conflict. Although

this hearing was dedicated to consideration of all aspects of the conflict a significant portion of the testimony centered on sexual violence—particularly systematic sexual violence and the use of rape as a weapon. (House hearing 8 March 2011) Assistant Secretary of State for African Affairs Johnnie Carson testified before Congress on the necessity of ending sexual and gender-based violence in the DRC during a hearing on the election outcome and governance in the DRC. (Johnnie Carson, 15 December 2011) The occurrence of systematic sexual violence and its use as a weapon of war *in the DRC* dominated much of the US political discourse on the issue of wartime sexual violence in general during this time period despite awareness of its use in other active and recent armed conflicts.

Policymakers' emphasis on the use of rape as a weapon of war in the DRC suggests that this particular way of framing wartime sexual violence triggers more frequent condemnation and material commitments. A total of 61 documents and speeches addressed wartime sexual violence in the DRC from 2008 through 2012. In the previous five-year period, from 2003 through 2007, just 13 documents and speeches addressed the issue; before 2003, none of the documents and speeches analyzed in this study references wartime sexual violence in the DRC. Awareness and recognition of wartime sexual violence in the DRC increased in the period studied, especially after US officials began to discuss wartime sexual violence in terms of rape as a weapon or sexual violence as a tactic of war.

Limitations of the 'Rape as a Weapon' Frame

The US response to wartime sexual violence in the DRC indicates that policymakers began to understand the gravity of the issue and responded to it more consistently and with greater strength over time. Rather than serving an immediate strategic aim and then vanishing from political discourse, condemnation of wartime sexual violence in the DRC persisted over a decade and grew stronger when discussed in terms of 'rape as a weapon.'

Discussing the broader issue of human rights norms, Mertus argues that such norms have shaped the US presidency, military, and activist community, but that American exceptionalism prevents such norms from achieving full institutionalization within the US government. Instead, US political actors view human rights norms as constraints on the behavior of others; nevertheless, civil society has an impact on presidential administrations and the military (and—I would add—the State Department, Congress, and other bureaucracies) and human rights norms represent available ideas that policymakers can reference. (Mertus 2008: 17) In the end, the US government recognizes human rights norms and has made some progress toward institutionalizing them, but not to the extent that they are "taken for granted". (Mertus 2008: 17) This conceptual middle ground may apply to US recognition of wartime sexual violence in cases other than the DRC, cases in which the response to wartime sexual violence has been minimal, only rhetorical, or non-existent. Policymakers have clearly identified that wartime sexual violence—especially when used as a weapon of war—is a problem that merits attention, but it is unclear that the US government will respond to wartime sexual violence if doing so directly clashes with US interests.

Attempts by the US to address wartime sexual violence in the DRC suggest that seeking political cover for belligerent policies or interest in building support for military intervention does not provide a sufficient account of the forces motivating policymakers' response. Although the US committed a small number of troops (mainly in military training and advising positions) to MONUC, MONUSCO, and the effort to weaken the Lord's Resistance Army in the Great Lakes region, policymakers expressed a strong preference for supporting the DRC's stability and governance through diplomatic and financial

commitments rather than military engagement. The DRC resembles a US ally more than an adversary, so the US government should not have an interest in vilifying the DRC security forces and pro-government militia groups. Additionally, the effort to condemn wartime sexual violence in the DRC began after the US was already engaged in MONUC, which suggests that recognition of wartime sexual violence was not motivated by an interest in building rationale for troop commitments. The US response to wartime sexual violence in the DRC demonstrates that states will respond to this type of atrocity even when doing so does not immediately serve strategic interests, but the case study cannot shed light on the likelihood of a state response to wartime sexual violence in the event of conflicting national interests.

The case study of the US response to wartime sexual violence in the DRC suggests that policymakers will not condemn wartime sexual violence only when the US has made or is about to make the decision to deploy a military intervention. Nevertheless, sexual violence can certainly be added to the list of grievances against an existing adversary already targeted for military engagement even if the US has developed a legitimate concern for the issue. Such was the case in Afghanistan and Iraq before US military intervention in both states. Conversely, emphasis on the importance of proving that sexual violence is used as a tactic of war to justify a political response can also lead to frame manipulation; if a state is hesitant to intervene in a conflict or commit diplomatic or financial support, policymakers can simply argue that there is no evidence that sexual violence is a tactic of war in that conflict. In that case, widespread sexual violence is simply an unfortunate but difficult to solve by-product of war that the international community is politically unequipped to deal with at this time.

Reluctance to respond to wartime sexual violence in both Libya and Syria is suggestive of the power and limitations of the 'rape as a weapon' frame, both within US political discourse and at the international level. States, the UN, and even NGOs were hesitant to recognize wartime sexual violence in both conflicts, citing limited evidence that sexual violence was being used as a *weapon of war*. (Interview with USAID official, Washington, DC, 5 September 2012; interview with legal scholar, New York, 18 June 2012) Gathering evidence to prove that sexual violence is used as a weapon requires a great deal of information on combatants' intentions, which are often unclear in the midst of the conflict and may not become obvious until post-conflict interviews or tribunals. The reliance on the 'rape as a weapon' frame as the basis for political and legal action suggests that there will be high levels of variation in the response to individual conflicts, especially when data on the motives underlying sexual violence are unavailable or unclear.

Conclusion

This paper presents an initial approach to understanding state responses to wartime sexual violence. In examining the United States response to wartime sexual violence in the Democratic Republic of the Congo I have demonstrated that strategic aims alone cannot explain the changes in recognition of wartime sexual violence. Instead, the emergence of an understanding of sexual violence as a weapon or tactic of war has allowed state actors to respond to wartime sexual violence as a security issue. US policymakers consistently cite sexual violence in the DRC as an example of the need to develop stronger mechanisms to prevent and respond to wartime sexual violence, given the horrific scale and systematic nature of sexual violence in the Great Lakes region. In viewing sexual violence as a weapon of war, policymakers have begun to approach the issue with greater urgency; however, this weapon imagery requires evidence of strategic intent and widespread, systematic use of sexual violence before states will act in response.

Further research is needed to understand the implications of the dominant framing of sexual violence as a weapon of war, both at the state level and the international level. It will also be useful to examine whether the decrease in references to both wartime sexual violence in the DRC and the conflict itself within US political discourse after 2011 will be sustained over time, or if the decrease in 2012 was a matter of yet unpublished documents, a deadlocked Congress, US national election distractions, competing conflicts like Syria and Mali, or other factors. Extending the database of documents over the next several years will shed light on this question. The role of prominent policymakers, like Hillary Clinton and Melanne Verbeer, who have supported efforts to respond to sexual and gender-based violence, also merits further study. The replacement of Hillary Clinton with John Kerry will provide valuable contrast over the next four years. Most importantly, extending the study to other conflicts and examining other strong states' responses to wartime sexual violence in the DRC and elsewhere is necessary to test the validity of the framing explanation; the dissertation project of which this paper is a part aims to do this.

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ⁱ The Tokyo tribunal prosecuted the rapes at Nanking, which is a notable exception. IMTFE Judgment, 1945: 103:1012-1019.

ⁱⁱ For definitions of sexual violence, see: Rome Statute of the International Criminal Court, 17 July 1998; United Nations Security Council Resolution 1325, 31 October 2000; United Nations Security Council 1820, 19 June 2008.

ⁱⁱⁱ The International Criminal Tribunal for Rwanda set a precedent for prosecuting rape as a war crime for the first time in history when it sentenced Jean-Paul Akayesu to life imprisonment, including in the list

of charges rape and the condoning of rape by the military and militias. International Criminal Tribunal for Rwanda. 2 October 1998. "Jean-Paul Akayesu Sentenced to Life Imprisonment." ICTR/INFO-9-2-142. Available: <<http://www.unictr.org/tabid/155/Default.aspx?ID=472>> Accessed 11 February 2011.

^{iv} Geneva Convention Relative to the Protection of Civilians in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims in International Armed Conflicts (Protocol 1), 8 June 1977; Rome Statute of the International Criminal Court, 17 July 1998.

^v For troop and financial contribution statistics see the UN's pages on MONUC and MONUSCO: <http://www.un.org/en/peacekeeping/missions/monuc/facts.shtml> and <http://www.un.org/en/peacekeeping/missions/monusco/facts.shtml>

^{vi} State Department website: <http://www.state.gov/>

^{vii} State Department archives: <http://2001-2009.state.gov/> and <http://www.state.gov/www/ind.html> (1997-2000 only)

^{viii} The Human Rights Report is available via the following web sites: 1999-2011 <http://www.state.gov/j/drl/rls/hrrpt/>; 1996-1998 http://www.state.gov/www/global/human_rights/hrp_reports_mainhp.html; 1993-1995 http://dosfan.lib.uic.edu/ERC/democracy/hrp_index.html ; 1990-1992: <http://archive.org/details/countryreportson1990unit>

^{ix} For access to Presidential speeches, UNSG speeches, and UNSC speeches see: http://library.cqpress.com.proxygw.wrlc.org/historicdocuments/search.php?sort=field%3Aoehisdocs_event_date,a and <http://millercenter.org/president/speeches> ; for access to the Bill Clinton papers see: http://www.presidency.ucsb.edu/bill_clinton.php (1991-2001)

^x For the full text of Executive Orders see: <http://www.archives.gov/federal-register/executive-orders/disposition.html>

^{xi} For the Clinton administration archive see: <http://1997-2001.state.gov/>; for the Bush administration archive see: <http://2001-2009.state.gov/p/af/ci/cg/prs/index.htm>

^{xii} The US was ranked 57th among MONUSCO troop contributing countries in December 2012, with a total of 128 troops and police. United Nations Department of Peacekeeping Operations archive: <http://www.un.org/en/peacekeeping/resources/statistics/>