

Book Reviews

Conflict Related Sexual Violence – International Law, Local Responses

Edited by Tonia St. Germain and Susan Dewey

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Conflict-Related Sexual Violence – International Law, Local Responses is a robust critique of the complex factors plaguing the development of an international legal framework to address gender-based crime during violent conflict and its aftermath. Through a resolutely feminist lens, the text presents an accessible introductory account of the intricacies of the issue. International legal theory, feminist theory and practical case studies are expertly blended, resulting in a significant contribution to the growing body of literature designed to increase awareness of this seemingly intractable issue.

In recent years, the purposes and implications of conflict-related sexual violence have received increased attention in international humanitarian and criminal law. Through the establishment of the International Criminal Tribunal for Rwanda ('ICTR') and the International Tribunal for the former Yugoslavia ('ICTY'), sexual violence in conflict is now recognised as a weapon of war, with the latter tribunal being the first to successfully prosecute rape as a war crime and as a method of genocide. The central contention of the text is that these developments have been limited in their success in addressing conflict-related sexual violence. This limited success has been due to their genesis in Western law reform movements of the 20th century which feted criminal law structures as the preeminent solution to sexual assault. The authors argue that these ideas have permeated international efforts in this area. This has resulted in the prioritisation of the expansion of legal institutions, rather than investing in programs designed to holistically address the local causes of violence against women and pursue consequent solutions based on understandings of local cultures.

Conflict-Related Sexual Violence reaches conclusions through the tight layering of a number of legal, anthropological and feminist theories, with the main body of the text broken down into three discrete sections. The use of this tripartite structure aids in elucidation of content. Each section builds upon the understandings of the last, before turning to conclude with a series of case studies designed to comprehensively illustrate and contextualise the issues. The early chapters discuss legal and feminist rhetoric and discourse, serving as a useful background for understanding the text's ideological position as well as several basic concepts of international law. These chapters point to the role and power of discourse

in informing the creation of international apparatuses to address gender-based violence, with Chapter Three providing a strong, thought-provoking critique of the value of protectionist policies in relation to the specific targeting of women as a weapon of war.

The second part of the text discusses the limitations of the current international criminal justice system, clearly explaining the present approach to legal treatment of sexual violence in wartime and examining the flow-on effects on women's rights in local contexts. The bulk of the chapters in this section argue that by basing the current model of international humanitarian law on western patriarchal structures, success has been limited. The authors argue this is due to a number of factors including selective prosecution of gender-based crimes and inadequate attention being paid to the experiences of survivors.

Part Three broadens the focus of the book towards the complex area of the role of patriarchal socio-cultural norms and values in the conflict and post-conflict zones of Afghanistan, Colombia and South Africa. Through a number of case studies that reveal the implications of sexual violence on women living in post-conflict zones, the concluding chapters highlight the importance of working within an understanding of issues of customary law and cultural norms in order to establish a successful system of international law dealing with conflict-related sexual violence.

The text uses research and examples from a broad range of jurisdictions, contexts and conflicts to clearly convey several ideas. The first is the importance of engaging local women to implement solutions, which take into account local custom and culture. As an unapologetically feminist critique, the second is an emphasis on the current inadequacies within (what the authors perceive to be) the current paternalism of international law, particularly in focusing on the protection of survivors rather than adequate enforcement of laws against perpetrators, let alone successful preventative programs. The third underlying theme is the seemingly intractable nature of the issue and how conflict-related sexual violence can ever be overcome when placed in the gargantuan shadow of cultural institutions and customary laws that largely deny women franchise, and view sexual violence as a matter of private concern.

The purposes and aims of international law cannot and do not exist in an ideological vacuum. Despite this, the book invites the standard critique that any 'feminist' solution is arguably a Western ideal in itself, and by staunchly seeking the implementation of such ideas the text is as guilty of imposing dogmatic ideas on varying cultural contexts as the current system it criticises. Yet this is simply the core paradox of international law – how to balance varied cultural understandings of the world with an international approach designed and required to apply to all. Regardless of this criticism, the importance of involving women in developing solutions to violence targeted against them cannot be overstated. As the

text successfully argues this is far more likely to achieve results than any 'top down' instruction.

Overall, *Conflict-Related Sexual Violence* achieves its aim of providing an accessible critical analysis of the gap between legal principles and local practice in the enormous task of tackling sexual violence in conflict and post-conflict situations around the world. Whilst each of the ten chapters discusses a separate facet of the issue, the text sits strongly as a unified work that emphasises the vexed nature of this area of international law and how legal approaches and solutions cannot easily be separated from socio-cultural mores and practices, much less the requisite political will to change. Through exposing the effects of inadequate and failing policies and programs on the everyday lives of women in conflict zones, the text reveals the devastating consequences of neglecting the disjuncture between the policies of international law and their practical effects. Ultimately however, the text serves as a comprehensible introduction to those seeking to understand the issues as well as a timely plea for increased involvement for local women in all aspects of policy development.

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