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Conflict Related Sexual Violence and Rebel Group Compliance with International Humanitarian Law

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1. Introduction

In February 2019 Peter Maurer, president of the International Committee of the Red Cross (ICRC) held a speech on conflict related sexual violence (CRSV), an act that has devastating impacts on women and men and that can cause both physical and psychological harm. CRSV is not only devastating for the victim but has other destructive consequences. It has been proved to enhance the spread of sexually transmitted diseases, for instance HIV and AIDS which could affect communities at large. Furthermore, sexual violence is a crime obscured by taboo, generating isolation due to victim-blaming and stigma (ICRC, 2019). Furthermore, CRSV is a violation of international humanitarian law (IHL), specified in the fourth Geneva Convention from 1949 in which protection of the civilian population during armed conflict is regulated (Gaggioli, 2014: 512). In his speech, Maurer acknowledged the continued failure of compliance with IHL by both state forces and rebel groups (ICRC, 2019), and most importantly, the ICRC president emphasised that sexual violence is not an inevitable part of war, not all armed actors rape. This variation remains unexplained within the academic field and scholars continue to seek explanations for why some armed actors commit sexual violence when others do not, seeking the roots of restraint.

Previous literature on sexual violence by rebel groups has proposed a number of explanations that increase the risk of wartime sexual violence, examining conditions relating to individual motives (e.g. Weinstein, 2007), actor characteristics (e.g. Cohen, 2013; Hoover Green, 2011; Wood, 2006), and conflict types (e.g. Skjelsbaek, 2001). However, only a limited number of studies has focused on the impact of IHL on compliance-behaviour and restraint by rebel groups although focusing on a limited amount of implementation measures available to rebel groups (Haugen, 2011; Mack, 2008; Terry and McQuinn, 2018).

As a widely recognised notion the conduct of warfare has changed drastically, going from traditional interstate wars to intrastate wars, often fought between governments and non-state actors. The changing nature of warfare has been accompanied by a number of challenges to international humanitarian law (IHL), the body of law that seeks to limit the effects of armed conflict (Mack, 2008: 5). The law consists of the 1949 Geneva Conventions, the two Additional Protocols from 1977 and customary international law (CIL), defined by the International Court of Justice as “a general practice accepted as law” (ICJ, n.d.). However, not all of the regulations apply to non-international armed conflicts (NIACs). The rules that non-state actors must comply with can be found in Common Article 3 (CA 3) from the 1949 Geneva Conventions, in the

Additional Protocol II (AP II) and in CIL (Mack, 2008: 10). Taken together, the rules represent a minimum standard from which the parties to an armed conflict cannot deviate and prohibit acts of violence, degrading treatment and torture against civilians, humanitarian workers, hors de combat and prisoners of war (ibid: 8). The reason for why only a limited set of rules apply to NIACs is due to that non-state actors cannot become parties to treaties, only states are explicitly bound by the treaties to which they are a party (Haugen, 2011: 26; Mack, 2008: 10). Hence, the doctrines under which non-state actors are bound are problematic but the prevailing opinion is that said actors are bound by IHL firstly because they are bound by IHL as citizens of states and secondly because an actor that employs violence to a degree defined as armed conflict is legally bound by the rules applicable in intrastate conflicts (Haugen, 2011: 26).

With regards to the speech held by ICRC president Maurer, acts of sexual violence continue to be a prevailing issue in modern conflicts. In order to limit the effects it has on the civilian population, it is necessary to conduct more research on the topic, in relation to IHL, to establish covariation as well as examine which implementation measures are the most effective in lowering levels of wartime sexual violence. For this purpose, this thesis will attempt to answer the research question: *What is the association between the implementation of measures of international humanitarian law by rebel groups and rebel perpetrated conflict related sexual violence?*

In this analysis, it is argued that the prevalence of acts of sexual violence by rebel groups will decrease when they implement various parallel legal tools enhancing their obligations under IHL. The contribution of this paper to the scholarly field is both theoretical and empirical. Theoretical, as it seeks to further explain the causes of CRSV and by that confirms theories related to rebel group dynamics and patterns of violence. The empirical contribution may be valuable to policy makers as the results to some extent indicate what implementation measures are the most effective in lowering wartime sexual violence by rebel groups.

The paper proceeds in the following manner. Starting with previous research, existing explanations for why rebel groups engage in sexual violence are discussed. Second, the theoretical argument is outlined of how implementation of different measures of IHL could impact the levels of sexual violence by rebel groups. In the third section, the research design is presented followed by a discussion and analysis of the results, provided with alternative explanations. Finally, a number of concluding remarks are made with regards to avenues for future research on the topic.

2. Theory

2.1 Previous research

Conflict related sexual violence was for many years considered a weapon of war, strategically employed by military leaders and combatants to reduce the strength of their adversaries (Eriksson Baaz and Stern, 2010; Wood, 2014). Today, most research has moved away from this theoretical argument as it neglects other explanations for the causes of wartime sexual violence (Wood, 2014). Current explanations vary as to why some rebel groups engage in sexual violence while the majority do not. Some research focus on opportunism and find explanations for wartime sexual violence by rebel groups in the extreme conditions of war, including its effect on combatants and the opportunities it creates. Eriksson Baaz and Stern (2009) argue that sexual violence is the result of hyper masculinity, dire life conditions and lack of embeddedness into family and community life. Other research highlights the relationship between gender inequality and sexual violence during conflict (Cohen, 2013; Koo, 2002). The argument holds that higher levels of sexual violence are likely to be observed in societies with lower levels of gender equality due to prevailing gender norms (Davies and True, 2015; Skjelsbaek, 2001). The degree of gender equality also has an impact on the reporting patterns of sexual violence (Davies and True, 2015).

Although these claims highlight the importance of considering the societal context in which the conflict takes place when studying sexual violence, they fail to consider why the level of sexual violence can vary between parties in the same conflict where the levels of gender equality are reasonably similar (Muvumba Sellström, 2015). Instead, a number of studies have focused on finding key elements of the armed group themselves and how their characteristics might play a part in their decision to commit acts of sexual violence. Wood (2009) contend that the recruitment process and initiation rituals in which new members are drilled by the military leadership and other members fosters violence and strengthens the cohesion within the armed group. It must be noted however that this explanation only pertains to general behaviour patterns in rebel groups and it remains unresolved how this relates to violence against civilians or conflict related sexual violence. Similarly, Weinstein (2007) argues that individuals joining groups offering material benefits and other tangible incentives are more likely to commit violence against civilians in general. Groups consisting of said recruits are expectedly inclined to commit more acts of sexual violence than other groups. Hoover Green (2011) and Wood (2009) propose an additional explanation for variation in behaviour across rebel groups pertaining to the ability and political

will of armed group commanders to control and restrain the use of sexual violence by members. Commonly, in the absence of strong leadership, organisation and training, the use of violence is shaped by norms at the unit or individual level (Wood, 2009: 142). For that reason, different leadership styles may account for variation among the combatants in their attitudes towards wartime sexual violence.

Wood (2006) provides yet another explanation for why the use of sexual violence varies among rebel groups which considers the degree to which rebel groups rely on civilian populations for support. According to Wood (2006: 329) rebel groups that depend on civilian assistance for resources and other aid are less prone to harm them, given that the leadership can control target types and the violence used (see also Muvumba Sellström, 2015).

Lastly, a strand of research examining causes of wartime sexual violence by rebel groups concerns state strength and the arguments hold that higher levels of sexual violence can be observed where the state is considered weak, meaning that it lacks enforcement capabilities, which enables armed forces to perpetrate sexual violence without risking punishments (Cohen, 2013; Muvumba Sellström, 2015; Wood, 2014). In line with these arguments Muvumba Sellström (2015) contend that impunity increases the probability for future acts of sexual violence. However, it has to be noted that these arguments do not assume that combatants will consistently perpetrate sexual violence when they do not expect punishments as previous research has established that many factors appear to affect the prevalence of sexual violence.

The above presented arguments offer a range of explanatory factors as to why rebel groups commit acts of sexual violence. However, the research on the relationship between implementation of IHL by rebel groups and CRSV is limited although it is a concept related to contextual explanations of the phenomenon. The degree of state fragility and impunity affects the implementation and enforcement of the law. Existing research on the subject is focused on explaining why state militias violate IHL and in what ways they can most effectively implement IHL in their national law and policies (Brassil, 2015; Muñoz-Rojas and Frésard, 2004). Research relating to sexual violence perpetrated by rebel groups is mostly concerned with understanding in what ways one can effectively engage with rebel groups in armed conflicts to increase respect for IHL (Haugen, 2011; Mack, 2008; Terry and McQuinn, 2018). Nonetheless, these studies are limited as they only examine one or few implementation measures in relation to all types of violent behaviour against civilians. Unfortunately, sexual violence is and has been prevalent in

many conflicts and seeing as the act is a violation of numerous provisions under IHL, there is a need for research examining the available legal tools to rebel groups simultaneously, to establish what measures are the most effective in increasing respect for the law, thus lowering the prevalence of wartime sexual violence by rebel groups. Cross-disciplinary studies connecting IHL and political science are particularly important when considering the prevailing conflict landscape where the majority of conflicts occur within the borders of a single country, between governments of states and insurgent groups (Strand et al., 2019).

To fill the gap in previous research, this essay will focus on wartime sexual violence by rebel groups and analyse three different measures available for rebel groups to implement in order to create further legal obligations under IHL and educate group members to increase respect for the law. The measures to be analysed are special agreements, unilateral declarations and inclusion of the law in rebel groups' codes of conduct. By analysing the implementation of these measures, it will be possible to determine the effectiveness of these approaches, i.e. if they are effective in lowering levels of CRSV, and whether or not they are associated with the types of violence rebel groups choose to adopt.

2.2. Theoretical framework

The independent variable in this analysis, implementation of IHL by rebel groups is defined as the measures a rebel group put into practice, enhancing their obligations under IHL in order to disseminate information, monitor and prosecute violations of the rules as well as the laws already applicable to them during armed conflict, namely, Common Article 3, Additional Protocol II and customary international law. The dependent variable, conflict related sexual violence by rebel groups is defined according to Cohen and Nordås (2013) as including rape, sexual slavery, forced prostitution, forced abortion/sterilisation and sexual torture/mutilation.

The theoretical argument holds that rebel groups will implement three measures of IHL to enhance their credibility as political entities both domestically and internationally. With the implementation comes responsibility of the commanders in rebel groups to disseminate information about the law, its content and scope, and potential consequences for not adhering to the law, in order to increase respect for IHL amongst combatants. Following the implementation and dissemination of information about the law, rebel group leaders will presumably deem certain types of violence counterproductive to their goals of achieving legitimacy, domestically by civilians and

internationally by states. Consequently, the group's repertoire of violence will reduce. In time, this will translate into lower overall levels of sexual violence by rebel groups.

The theoretical argument takes off at the implementation of three different legal tools of IHL by a rebel group: special agreements, unilateral declarations and inclusion in a rebel group's codes of conduct. This paper chooses to focus on the 'level' of implementation of IHL measures rather than the specific type of legal tool as it has been established, by empirical findings, that a combination of all measures increases restraint by rebel groups on the battlefield due to their increased awareness of potential punishments for violating the rules adopted in line with IHL (Terry and McQuinn, 2018). Thus, the theoretical framework will consider all measures equally important rather than the combination of specific types.

As previously discussed, the majority of the legal community are of the opinion that rebel groups are bound by Common Article 3 of the 1949 Geneva Conventions, the two Additional Protocols from 1977 and customary international law (Haugen, 2011), a limited amount of rules in comparison to the existing regulations of interstate conflicts. Naturally, the question remains as to why rebel groups would implement additional legal measures, seeing as they are already bound by a set of rules, and have not been a part of the legislative process, as opposed to states.

The argument holds that non-state actors implement various measures of IHL in the pursuit of political legitimacy¹, a concern important for rebel groups in their strife to achieve a 'right to rule' (Jo and Thomson, 2013: 326). In the achievement of recognition as viable political entities two sources of legitimacy are important: domestic and international audiences (Jo and Thomson, 2013: 326; Wood, 2009: 141). Rebel groups commonly depend on civilians for resources and support (e.g. shelter, supplies, information) in order to survive (Wood, 2006). Therefore, they must avoid negative publicity amongst the citizenry that they may garner through committing acts of sexual violence as their political survival depends on domestic support (Keels and Kinney, 2019: 150). International audiences matter as previous research has established that rebel groups who aspire recognition as credible political actors need a quorum of states to acknowledge their legitimacy (Coggins, 2011: 435; Wood, 2009: 141). Rebel groups do not participate, as states do, in formal legal processes as for instance ratifying international declarations, to signal their intentions and commitments (Jo and Thomson, 2013: 324f). By adhering to rules established by the international

¹ This concept will be further discussed in the section 5.1.

community, this mimics state behaviour which in time could further a group's strife towards achieving legitimacy.

Following the implementation of said measures, the theoretical chain considers the employment of any of several institutions by commanders to control combatant behaviour, the level, forms and targeting of violence (Hoover Green, 2016: 619f). These institutions include military training, recruitment processes, disciplinary regimes, political training and formal and informal socialization experiences, i.e., group culture and norms (ibid: 624). The institutions serve as different types of tools for restraint, framed as implicit or explicit. Leaders of rebel groups rely on one or another of these framing techniques for disseminating information about IHL, its content and scope. Large rebel groups often have more resources and can invest in formal, explicit training or socialization as well as more implicit tools like political education (Muvumba Sellström, 2015: 71). Assuming that the rebel group has a centralised organisation with a top-down hierarchy, Muvumba Sellström (2015: 71) lists three factors that are important when practicing respect for IHL in military institutions: (1) that sexual violence is prohibited by commanders (2) that the prohibition is clearly communicated and (3) that the military institutions are able to follow through on the penalties of their restrictions. Thus, it is important that information about the law, monitoring, prosecutions and penalties are included in military manuals, codes of conduct and rules of engagement as combatants need to be informed comprehensively about IHL in order to increase knowledge and change attitudes and behavioural patterns with regards to violence against civilians (Brassil, 2015: 104). In addition to the implementation of IHL in written documents, the rules must be translated into practical means in military training to demonstrate how the law applies when the members are actively engaged in combat (Muñoz-Rojas & Frésard, 2004: 203).

Hoover Green (2016, 624) argues that all military institutions might contribute to restraint and that a majority employ a combination of implicit and explicit tools to shape behaviour.

Having already discussed explicit tools above, implicit tools include political education, defined as “formal instructions that explains specific social or political purposes to specific behavioural norms” (Hoover Green, 2016: 624), that operates primarily via the internalisation of group norms. Hence, information is disseminated from the leaders of an organisation and focuses on the social and political purposes of a conflict. The utility of employing political education in combination with explicit tools is that it connects the purposes of the conflict to behavioural norms. The commanders may frame rules regulating appropriate combatant

behaviour as related to the conflict's political or social goals rather than in terms of battlefield victory or military success (ibid.).

Following the implementation of several IHL measures and employment of implicit and explicit tools for restraint by the rebel group leaders, they may deem sexual violence to be counterproductive to their interests and goals to achieve legitimacy as credible political entities. Consequently, the group's repertoire of violence will become narrower, causing the prevalence of sexual violence by a rebel group to decrease (Muvumba Sellström, 2015: 71; Wood, 2009: 140). Repertoire of violence is defined as “/.../ the set of practices that a group routinely engages in as it makes claims on other political and social actors” (Wood, 2009: 140). Different types of violence may include kidnapping, killing, torture, massacres, sexual violence or forced displacement (ibid: 133). A group's repertoire of violence may change over time and if combatant norms of violence against civilians change resulting from group leaders utilising implicit and explicit tools, combatants may limit or completely restrain from committing acts of sexual violence (Hoover Green, 2016: 7). Hence, lower levels of sexual violence by rebel groups can be expected from the proposed theoretical argument. Accordingly, this paper will test the following hypothesis:

Higher levels of implementation of international humanitarian law by a rebel group relates to lower levels of rebel perpetrated conflict related sexual violence

3. Research design

This paper will utilise a comparative case design in order to answer the question: *What is the association between the implementation of measures of international humanitarian law by rebel groups and rebel perpetrated conflict related sexual violence?* The three cases to be analysed are two Sudanese rebel groups: Justice and Equality Movement (JEM), Sudan's People Liberation Movement/Army (SPLM/A), and one Ugandan: Lord's Resistance Army (LRA). These cases were chosen strategically based on Mill's method of difference and will be analysed using the method of structured focused comparison. The section will begin by presenting the operationalization of the independent variable, dependent variable as well as the control variables. Following, the case selection strategy will be explained and motivated as well as the method of analysis.

3.1. Operationalizations

When conducting a comparative case study, it is important to isolate alternative explanation for variation in the outcome of interest, namely, conflict related sexual violence by rebel groups. In order to do this, control variables are included in the case selection. When holding these factors constant across cases, they can be ruled out as explanatory elements of the potentially observed variation in the outcome variable (Kellstedt and Whitten, 2013: 61f). In this thesis, four control variables that are based on findings in previous research will be tested. Accordingly, these are state strength, gender inequality, central command and external support. Measures of implementation by rebel groups is tested as the independent variable and conflict related sexual violence by rebel groups as the dependent variable. For each case, a time period of four years will be analysed. The choice of time period will be further motivated in section 3.2. Finally, the validity and reliability of all indicators have been considered and will be discussed below where relevant.

3.1.1. Independent variable

The independent variable, implementation of IHL by rebel groups, is as previously theoretically defined as measures a rebel group put into practice, enhancing their legal obligations under IHL, in order to disseminate information, monitor and prosecute violations specified in the laws applicable to them during armed conflict. The laws already applicable during non-international armed conflicts can be found in Common Article 3, Additional Protocol II and customary international law. In addition to this, rebel groups can employ a range of legal tools to improve their compliance with the law (Mack, 2008). However, seeing as these measures are neither compulsory nor regulated in any specific convention, the scope of implementation varies substantially between different rebel groups.

The level of implementation of IHL by rebel groups will be measured by gathering information about three implementation activities: special agreements, unilateral declarations and inclusion of IHL in rebel group's codes of conduct (Mack, 2008). Special agreements enable non-state actors to make an explicit commitment to comply with IHL and might either create legal obligations going beyond the already applicable provisions of IHL, or they can clearly restate the law that is already binding on the parties, independent of the agreement (ibid: 16). The benefits of utilising a legal tool of this sort are plentiful, but most importantly, signing a special agreement sends clear signals from group leaders to their combatants that

they have responsibilities under IHL. Rebel groups may also make unilateral declarations, or a declaration of intention, where they state their commitment to comply with IHL. Seeing as non-state actors are not explicitly bound by the rules under IHL and cannot ratify treaties, unilateral declaration provides those actors with an opportunity to articulate their commitment to adhere to the rules of IHL (ibid: 19). The usefulness is similar to special agreements and lies in the opportunity given to the leaders of an armed group to undertake responsibility in ensuring respect for the law by every group member. The final measure to be analysed in this study is the inclusion of IHL in codes of conduct. Mack contends that “By adopting and distributing a code of conduct that is consistent with IHL, the hierarchy of an armed group sets up a mechanism that enables its members to respect the law” (Mack, 2008: 22). When commanders of an insurgent group implement IHL in their codes of conduct, rules of engagement and in their training, it indicates a degree of ownership and commitment to ensure respect for the law. According to Mack (2008: 22), this is likely to influence the behaviour of the combatants to a greater extent than something they might perceive as being imposed on them from the “outside”.

These observations will be gathered using the “Their Words” dataset provided by Geneva Calls. The database “Their Words” is a collection of humanitarian commitments made by non-state actors: special agreements, unilateral declarations and internal rules and regulations (Their Words, 2019). Geneva Calls is a neutral, impartial and independent humanitarian organisation acting to improve the protection of civilians by strengthening respect for humanitarian norms and principles by armed non-state actors (Geneva Call, n.d.). The objective of their engagement is to encourage rebel groups to adapt their policies and practices to align them better with IHL to ultimately reduce the negative impact on civilians, brought by armed conflict. Their focus lies on various thematic areas which include e.g., gender, humanitarian norms and child protection.

3.1.2. Control variables

In order to minimize the impact of other confounding variables on the theorised relationship, a number of factors that previous research has found to influence levels of sexual violence are included and held constant. Using the Non-State Actors in Armed Conflict (NSA) Dataset, command structure is included to capture whether a rebel group has a clear command structure since the theoretical argument builds partly on the assumption that the leadership in a rebel group exercises tight command and control over members through a hierarchical structure. As pointed

out by Wood (2006, 2009), rebel groups dependent on civilian support are less likely to engage in violence against civilians because commanders have ordered them not to. Insurgent groups with a top-down hierarchy commonly constitute of more disciplined combatants who abide by the commands given by the leaders. Hence, it can be expected that members of such armed factions are less likely to engage in acts of sexual violence.

Gender inequality is included as previous research has found that higher levels of gender inequality is associated with higher levels of conflict related sexual violence. Furthermore, it is included to address that the levels of sexual violence in conflict and reporting patterns may vary due to prevailing gender norms in a society (Davies and True, 2015; Skjelsbaek, 2001). Gender inequality will be defined following the European Institute on Gender Equality (EIGE) as: “legal, social and cultural situation in which sex and/or gender determine different rights and dignity for women and men, which are reflected in their unequal access to or enjoyment of rights, as well as the assumption of stereotyped social and cultural roles.” (EIGE, 2019). Data on gender inequality is retrieved from the Gender Inequality Index provided by the United Nations Development Programme where gender inequality is measured in three aspects of human development in 160 countries: reproductive health, empowerment and economic status. The score ranges from 0-1, where higher scores entail higher levels of gender inequality (HDR, 2019). Their data is collected from a range of different sources including both governmental and non-governmental organisations, minimizing source bias of the data used.

The domestic characteristics of the state experiencing conflict may influence the prevalence of sexual violence. Hence, state strength will be controlled for as previous research has shown that the ability of states to enforce laws, regulations and carry out punishments affects levels of sexual violence in societies (Cohen, 2013; Muvumba Sellström, 2015; Wood, 2014). State legitimacy has been proposed as an explanation for state instability, measuring state strength. State instability may increase opportunity structures favouring violence against civilians by rebel groups. State legitimacy will be used as a proxy for state strength and will be operationalized using data from the Fragile State Index (FSI) published by Fund for Peace. FSI measures pressures a country may face that could affect state fragility. The legitimacy indicator considers a government’s openness, transparency and representativeness from which a population’s level of confidence in state institutions is assessed. Levels of marginalisation and corruption are also regarded (FFP, 2019). The data used combines quantitative data sets, content analysis and qualitative expert analysis.

Every indicator in the FSI holds a minimum score of 0.0 and a maximum score of 10.00 and the lower the score of the indicator, the better.

Finally, external support during the time period will be controlled for. Previous findings have shown that rebel groups supported by external actors are more prone to target civilians and engage more frequently in sexual violence (Saleyhan et al., 2014). Data on external support is gathered from the UCDP External Support Dataset which defines external support as “support to a primary party (receiver of support) that is given to assist it in an ongoing conflict. The non-warring support can take a variety of forms, including the provision of sanctuary, financial assistance, logistics and military support short of troops. The party providing the support should be a state or an organization (in the widest sense of the term) and not an individual” (UCDP, 2011: 4).

3.1.3. Dependent variable

The dependent variable in this thesis, conflict related sexual violence by rebel groups, will follow Cohen and Nordås’s (2014: 419) definition which includes rape, sexual slavery, forced prostitution, forced abortion/sterilisation and sexual torture/mutilation. The definition is focused on behaviours that involve direct violence or physical force perpetrated during armed conflict. Armed conflict is defined as “a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths” (Cohen and Nordås, 2013: 5). I will examine the prevalence of perpetrated sexual violence by rebel groups in ongoing conflicts with the purpose of measuring variation in the variable.

In order to analyse the prevalence of conflict related sexual violence by rebel groups, I will use data from the Sexual Violence in Armed Conflict (SVAC) dataset (Cohen and Nordås, 2014). The dataset provides a comprehensive overview of CRSV from 1989-2009 and can be deemed reliable and useful as it combines data gathered from the U.S. State Department, Amnesty International and Human Rights Watch which are organisations that are widely considered trustworthy (Cohen and Nordås, 2014: 421). Prevalence captures the reported severity of sexual violence perpetrated by an armed actor in a given year and is measured as an ordinal scale from 0-3, divided into four categories (ibid: 419). *Massive* (3) indicates that sexual violence is likely related to the conflict and that sexual violence is described as ‘systematic’ or ‘innumerable’ and where there has to be 1000 or more victims of sexual

violence in a given year. *Numerous* (2) indicates that sexual violence is likely related to the conflict but did not meet the requirements for *massive*. Sexual violence is described as e.g. ‘widespread’, ‘common’ or ‘persistent’ and must include a description of 25–999 victims of sexual violence in a given year. *Isolated* (1) implies that sexual violence is likely related to the conflict but did not meet the requirements for prevalence levels 2 and 3. There has to be a description of 1–25 victims of sexual violence in a given year and there must be ‘reports’ or ‘isolated reports’ of occurrences of sexual violence. The fourth prevalence level *none* (0) indicates that there were no mentions of sexual violence related to the conflict-actor-year (ibid: 420).

3.2. Case selection strategy and scope conditions

When conducting qualitative research, case selection should be done strategically. In this thesis, this is ensured by using Mill’s method of difference (Levy, 2008: 10). Since the objective of this study is to find an explanation for the differences in values of sexual violence by a rebel group and test the proposed hypothesis, the chosen cases are selected based on variation on the independent variable to ensure representation of the findings to a larger pool of cases while all confounding factors are held constant (ibid: 7f). Accordingly, the cases included will contain one case where one measure has been implemented, one case where two measures have been implemented and a third case, where all three measures have been implemented. This is done in order to provide maximal leverage to classify the possible outcomes relevant to the hypothesis. An issue with selecting cases strategically on the dependent variable is that of selection bias, where cases are intentionally selected to confirm the hypothesis at hand. To minimize this risk, it is crucial that cases are selected without knowledge of the value for the dependent variable (Gerring, 2007: 87f), and the cases selected for this study are instead based on variation in the independent variable in order to keep the values of the dependent variable unknown.

Furthermore, all cases should be selected from a relevant population for the study. Here, the population consists of all rebel groups included in the “Their Words” dataset that has implemented one or more IHL measures. The interest of this paper lies in the concern over the protection of the civilian population in a given country from violence and particularly, sexual violence by rebel groups. Hence, the measures implemented by the rebel groups under study must be relevant to said interest. International humanitarian law embodies more than protection of civilians, for instance protection of humanitarian workers and methods of warfare that is not relevant for this study. To

make the search feasible, the categories in the dataset were delimited to thin out the selection and three keywords were used: “sexual violence”, “violence against civilians” and “international humanitarian law”. Thereafter, all intervening variables were controlled for. Proceeding from this, the case selection was narrowed down to the region where most observations were found, namely, Africa. While this might make the findings less representative on a global basis, it is necessary to ensure some degree of similarity. Comparing countries from different global regions may be problematic since they do not share the same history, geographical traits or neighbours. By only focusing on one region, this renders the results more feasible as additional confounding variables beyond the included are automatically controlled for.

As briefly mentioned, a time period of four years will be analysed for each case. However, finding comparable cases within the exact years proved to be difficult. Therefore, the analysis of each case is conducted during the same decade, between 2000 and 2008. The chosen time period of four years is motivated by the theoretical argument which builds on normative changes within groups. It is reasonable that such changes can be observed in this time range. Most likely, it may take even longer however, the delimitation of four years is motivated by the time constraints to write this thesis. Lastly, it was ensured that conflict was active during the chosen time period. Based on these criteria, the following cases were selected²:

Table 1. *Case selection*

| Rebel group | Years | (IV) No. of measures implemented | State strength | Gender inequality | Central command | External support |
|--------------------|--------------|--|-----------------------|--------------------------|------------------------|-------------------------|
| LRA: UGANDA | 2004-2008 | 1 - special agreements | 8,2 | 0.437 | Yes | Yes |
| JEM: SUDAN | 2004-2008 | 2 - special agreements, unilateral declarations | 9,8 | 0.433 | Yes | Yes |
| SPLM/A: SUDAN | 2000-2004 | 3 - special agreements, unilateral declarations, inclusion in codes of conduct | 9,8 | 0.433 | Yes | Yes |

² See appendix for all considered cases.

3.3. Method of qualitative analysis

The aim of this thesis is to study the proposed relationship between the level of implementation of IHL measures by rebel groups and levels of conflict related sexual violence by rebel groups. During case selection, variation on the independent variable was established. Confounding factors were also ruled out as possible explanations for the phenomenon of interest by holding them constant across all cases. In order to analyse the chosen cases, the method of structured focused comparison will be employed with the advantages being the ability to provide a deeper understanding of the research context and utilise complex measurements of the variables rendering strong internal validity (Gerring, 2007: 38). The disadvantage with utilising a qualitative method is that the external validity can be questioned as it becomes more difficult to generalise the findings to other cases. This will be further discussed in the limitations of the research design section. However, since the variables of interest are arguably thick and multifaceted, this method is best suited for the stated research goals. The method of choice utilises a set of standardised questions that reflect the research objective and are asked to all cases to ensure that comparable data is collected. The questions should be guided by the theoretical focus and thus be adapted to the relevant variables to explain the phenomenon of interest (George and Bennett, 2005: 70). Accordingly, the method allows for a theoretical focus appropriate for the intended research objective that will be guided by the theoretical framework (ibid.). Below, the respective questions for each variable are presented in two separate tables.

Table 2. *Questions for IV: Implementation of IHL by rebel groups*

| Measure | Questions |
|--|--|
| Special agreements and unilateral declarations | <ul style="list-style-type: none"> - Are there explicit mentions that the rebel group will refrain from engaging in acts of sexual violence? - Are there explicit mentions that the rebel group will refrain from engaging in other types of violence? - Is sexual violence stated as a violation of the agreement/declaration? - Are other types of violence stated as a violation of the agreement/declaration? - Are punishments for violating the rules, if any, explicitly stated? |
| Inclusion in codes of conduct | <ul style="list-style-type: none"> - In what ways are IHL included in military codes of conduct? - Is sexual violence specified as a violation? - Are other types of violence against civilians specified as a violation? - Are punishments for violating rules explicitly stated? |

Table 3. *Questions for DV: Conflict related sexual violence by rebel group*

-
- Do the group engage in acts of sexual violence?
 - Do the group engage in other types of violence against civilians?
 - Has the group made any statements where it appears that their attitudes with regards to sexual violence has changed?
 - Has the group made any statements where it appears that their attitudes with regards to other types of violence against civilians has changed?
 - Are there any indications of that sexual violence or other types of violence against civilians is institutionalized the group?
-

3.4. Data collection

The empirical analysis of the dependent variable will be complemented with secondary sources which will be triangulated, consisting of interviews, newspaper articles and NGO reports in order to provide rich descriptions of the research context. The usefulness of news reports lies in the amount of information and details about events that can be gathered (Höglund and Öberg, 2011: 47). However, complementary sources are necessary to avoid biases and gather other types of more in-depth information that are less covered in news reports (ibid.). These will consist of NGO reports where other valuable information can be found, primarily from Human Rights Watch, Amnesty International and the International Crisis Group. These organisations are deemed useful by many and due to their unassailable reliability (ibid: 52, 104). Issues relating to data collection will be discussed in section 5.2, acknowledging its limitations.

4. Results

In the following section the empirical data will be presented together with an analysis of the results. For each case, a short conflict background will be provided following a presentation of the values for the independent variable, implementation of IHL by rebel groups. Then, the results for the dependent variable, conflict related sexual violence will be presented. Lastly, a discussion of alternative explanations will be provided together with some limitations of the research design.

4.1. Lord's Resistance Army (LRA): 2004-2008

4.1.1. Conflict background

The government of Uganda has since the 1990s been engaged in a number of civil wars with the most protracted being the armed conflict against The Lord's Resistance Army (LRA) whose aim is to oust the government mainly due to political reasons (Peace Insight, n.d.; UCDP, 2019a), however, the group has both militaristic and spiritual elements (Invisible Children, 2020a). The LRA began as 'the Holy Spirit Movement', a rebellion against the oppression of the people in northern Uganda which was overtaken by Joseph Kony when the previous leader Alice Lakwena was exiled and has since resembled a cult (Drogin, 1996). The group has been accused of widespread human rights violations including, but not limited to, abductions, murder and child-sex slavery. Further, it has been widely reported that rebel leader Kony ordered his soldier to abduct children in order to fill the ranks of his army (Invisible Children, 2020b).

4.1.2. Independent variable

As displayed during case selection, the LRA implemented one of three IHL measures, namely, special agreements with the most notable being the Juba Agreement in 2008. The agreement was signed between the Government of Uganda and the rebel group with the aim of promoting "peaceful and lasting solutions to the conflict" (GoU, 2008) and served as an extension of the Cessation of Hostilities agreement in 2006 (Invisible Children, 2020a). In the agreement, there were no explicit mention of any commitment by the group to refrain from engaging in acts of sexual violence. However, other forms of violence were listed as violations of the agreement. Those violations included harassment, attacks, hostage taking, abductions and threats or acts of violence against civilians (GoU, 2008).

4.1.3. Dependent variable

According to the Sexual Violence in Conflict (SVAC) dataset, between 2004 and 2006, the prevalence of sexual violence by LRA was *numerous*, implying that sexual violence was described as 'widespread', 'common' or persistent and included between 25-999 victims each year. Between 2007 and 2008, there were no reports of sexual violence by the rebel group registered in the dataset (SVAC, 2013). The empirical data gathered from other sources consolidate the results retrieved from the SVAC dataset. Prior to the peace talks initiated in 2006 which took place over the course of two years, the civilians of northern Uganda were the main targets of the LRA (HRW, 2005). Numerous reports state that sexual violence was embedded in the ideology of the rebel

group and operationalized through its norms and internal structures. The group engaged in sexual violence against girls and young women whom were assigned as “wives” or sex slaves to LRA fighters and commanders to conceive children with them (HRW, 2005; Amone P’Olak et al., 2016). For instance, the ICRC interviewed a 15-year-old girl who was held hostage by the LRA and is the mother of two children born into captivity of two different fathers, both LRA fighters (ICRC, 2007). However, most instances of rape were committed after the girls had been taken back to LRA camps as opposed to on the field which according to Human Rights Watch (2005) suggests that these crimes were sanctioned if committed according to orders. Existing explanations suggested that the reason behind this was that the group members were superstitious that Kony knew everything they did and they were afraid to ‘contaminate’ women before Kony had chosen which women he wanted before sharing them with the others. A woman from a LRA-held village told Human Rights Watch that she and her sister were abducted, taken back to the rebel camps and “distributed to the top commanders who raped us during the night” (HRW, 2005) In addition to the reported acts of sexual violence, the LRA are accountable for years of large-scale abductions, beatings, forced recruitments, looting and destruction of civilian property (ibid.). The rebel group have frequently been involved in attacks where they have brutally disfigured civilians and victims’ noses, ears, lips and breasts have been cut off (HRW, 2005; Drogin, 1996).

4.2. Justice and Equality Movement (JEM): 2004-2008

4.2.1. Conflict background

Founded in 2000, Justice and Equality Movement (JEM) is a Sudanese rebel group whose aim is to alter the political structure of Sudan. While advocating an Islamist ideology, the group believe that the northern Sudanese Arabs of which the majority of the group’s members belong to, are disproportionately represented within the government and political elite (UCDP, 2019b; Al Jazeera, 2010). The members of JEM claim they are fighting to save the people of Sudan from social injustice and political tyranny in advocating justice and equality for every Sudanese (UCDP, 2019b). The group has been subject to accusation of human rights abuses including torture and child recruitment (HRW, 2011).

4.2.2. Independent variable

Between years 2004 and 2008, the rebel group implemented several special agreements and made one declaration of intention. The content in the agreements mainly concerned

humanitarian assistance in Darfur ought to be in line with several IHL provisions, including the two 1977 Additional Protocols applicable to rebel groups during armed conflict (GoS, 2004a). Moreover, JEM signed an agreement facilitated by the African Union in which they committed themselves to take all measures necessary to prevent threats, attacks and any other form of violence against civilians (GoS, 2004b). The rebel group attended the Geneva/Darfur humanitarian dialogue on key humanitarian issues in Sudan and declared their initiated cooperation with NGOs, UN agencies and other actors to protect civilians, children and other persons not participating actively in the conflict (HD Centre, 2008). Explicit statements were made in the declaration that the rebel group would strive to guarantee the protection of the civilian population in accordance with the principles of both human rights law and international humanitarian law. This entailed that they would refrain from targeting the civilian population, destroying civilian property and hold perpetrators of sexual violence accountable (ibid.).

4.2.3. Dependent variable

The SVAC dataset indicated that the prevalence of sexual violence by JEM between years 2004 and 2007 was *isolated* indicating that sexual violence was likely related to the conflict and included between 1-25 victims in a given year. In 2008, there were no mentions of conflict related sexual violence (SVAC, 2013). Referring to the testimonies of Sudanese women, Amnesty International and other human rights organisations describe patterns of systematic and unlawful attacks on civilians: torture, abductions and sexual violence all committed in an environment with total impunity (Amnesty International, 2004a). There have been reports of acts of rape by members of JEM. However, due to a lack of security and restricted access for NGOs, evidence has been difficult to collect. The rebel group has engaged in other types of violence against civilians including torture (Amnesty International, 2004b), where the different methods used causes appalling complications for the victims. Lastly, JEM has made frequent use of child soldiers and recruited them from refugee camps (HRW, 2011), a pressing issue to which many NGOs has demanded the group to end all recruitment of persons under age 18 for use as combatants, messengers, guards or any other military purpose (HRW, 2008a).

4.3. Sudan People's Liberation Movement/Army (SPLM/A): 2000-2004

4.3.1. Conflict background

SPLM/A was founded in 1983 with the ambition to fight the regime in Khartoum and establish a consolidated socialist Sudan (UCDP, 2019c). The group was comprised of SPLM, Sudan People's Liberation Movement, the political wing of SPLA and Sudan People's Liberation Army. SPLM/A unified in a rebellion against the marginalising elite in Khartoum but the movement was split between those who wanted an independent South Sudan, and unionists who strived towards a consolidated socialist Sudan with one rule but where the economic and political power was not centralised in Khartoum. Accordingly, the conflict was primarily described in political and ethnic terms but it was also a struggle for control over water and oil resources in the country (ibid.). Historically, the group's approach to human rights issues has been characterised by ruthlessness and according to sources, the group has completely disregarded the principles of humanitarian law" (Amnesty International, 1995). SPLM/A officers and combatants terrorised, raped and murdered civilians (ibid.).

4.3.2. Independent variable

SPLM/A implemented three parallel legal tools during the period between 2000 and 2004. In the accessible special agreements, one concerns a permanent ceasefire agreement between the Government of Sudan and SPLM/A in 2003. It does not include specific mentions of sexual violence yet, the rebel group state its commitment to cease the use of force and violence against civilians, listed as a violation under international humanitarian law (GoS and SPLM/A, 2004). During the time period, several unilateral declarations were made although most concerned landmine bans. Thus, there were no mentions of sexual violence but the rebel group repeatedly stated its concerns over violence against civilians. With regards to internal codes of conduct, the rebel group published extensive codes of conduct for the group in 2003 containing internal rules and punishments if any member were to breach those behavioural principles. For instance, under the headline 'Rape and other sexual offences' it says that "Whoever commits rape, shall on conviction, be punished with imprisonment for a term not exceeding fourteen years and may also be liable to fine" (The Penal Code, 2003: 86).

4.3.3. Dependent variable

From the SVAC dataset, the prevalence of sexual violence between 2000 and 2001 was *isolated* with the reported number of victims between 1-25. Sexual violence was likely related to the conflict. In 2002, the prevalence of sexual violence by SPLM/A saw an increase to *numerous*. In accessible reports, the act was described as ‘common’ or ‘widespread’ and included between 25-999 victims each year (SVAC, 2013). Between years 2003 and 2004, the prevalence of sexual violence again fell into the *isolated* category with 1-25 victims during those years. SPLM/A are reportedly responsible for “massive violations of human rights committed during the war” (HRW, 2004). NGOs report of continued instances of sexual violence by the active rebel groups in the region including the SPLM/A (HRW, 2008b). However, finding evidence of acts of sexual violence or any other forms of violence against civilians committed exclusively by SPLM/A within the given years proved to be difficult. Reports from the late 1990s indicated that the general attitude towards civilians within the group were seemingly negative. The leadership of SPLM/A promoted ‘anti-civilian’ mentality which manifested itself mainly in the training camps where newly recruited soldiers were reportedly dehumanised. Here, general norms and attitudes regarding violence against civilians were internalized which became evident when the members were deployed and started victimizing civilians by means of for instance rape and murder (Nyaba, 2000).

5. Interpretation and analysis of results

Based on the accumulated results, both the Lord’s Resistance Army (LRA) and Justice and Equality Movement (JEM) display a decrease in conflict related sexual violence following the implementation of certain IHL measures. The prevalence of sexual violence by LRA went from *numerous* to *none* whereas the prevalence in acts of sexual violence by JEM shifted from *isolated* to *none*. The LRA implemented a special agreement in participation with the Ugandan government in which sexual violence was not specifically mentioned but in which they stated to refrain from numerous violent acts against civilians. JEM utilised both special agreements and made a unilateral declaration in which they guaranteed the protection of civilians in accordance with IHL. It can be argued that through the implementation of these legal tools, JEM demonstrated an understanding and respect for the law causing the levels of wartime sexual violence to decrease. The empirical material highlighted that both groups continued to engage in other forms of violence against civilians during the time period implying some level of consistency with the proposed theoretical chain that the commanders of both groups were able to control the forms of violence used by the members of the group.

Based on the results, it can be proposed that the rebel groups' repertoires of violence became narrower due to the adoption of implicit and explicit methods in line with IHL and that the commanders deemed sexual violence counterproductive to their goals of achieving legitimacy and thus, the prevalence of sexual violence decreased. This chain of events cannot be completely proven but based on the results, the causal mechanism can be deemed plausible to some extent. Conclusively, the acquired empirical data is at face consistent with the proposed hypothesis. However, in the case of LRA, it cannot be proved with certainty that it was the agreement alone that caused the observed variation in the level of sexual violence by the group. As mentioned, the group were engaged in a series of negotiations with the Government of Uganda over the terms of a possible peace agreement between 2006 and 2008. Still, reports in regard to violence against civilians by the rebel group during that time can be found. This will be discussed further in alternative explanations.

With regards to the Sudan People's Liberation Movement/Army (SPLM/A), the results show variations in the levels of sexual violence during the chosen time period. Some indications could be found that violence against civilians, including sexual violence, was institutionalized in group norms as it was taught to new recruits and thus continuously reinforced and rooted in their behavioural patterns (Nyaba, 2000). Between 2000 and 2001 only *isolated* cases of sexual violence were reported while in 2002, the prevalence of sexual violence rose to *numerous* only to fall back to the isolated category between 2003 and 2004. From the theoretical framework, it was expected that the levels of wartime sexual violence would remain unchanged or decrease following the implementation of various parallel legal tools. Considering that SPLM/A made use of all three legal tools relevant to this study, namely, special agreements, unilateral declarations and inclusion in codes of conduct, the empirical data is at face not consistent with the theory. However, following the adoption of the rebel group's extensive code of conduct in 2003 where rules, violations and punishments relating to sexual violence were explicitly described and to which the group members were forced to adhere by, the level of sexual violence went from numerous to isolated. This may strengthen what was argued by Mack (2008: 22), that when a rebel group adopts a code of conduct consistent with IHL in their internal rules, training and rules of engagement, this is likely to influence the behaviour of combatants to a higher degree than anything that could be perceived as being imposed from the "outside", i.e., an agreement or a unilateral declaration.

Overall, the variations in the empirical pattern are not supportive of the proposed theoretical explanation. It was expected that higher levels of implementation of IHL by a rebel group was related to lower levels of conflict related sexual violence by a rebel group. At large, this relationship was confirmed in the cases of LRA and JEM whereas the case of SPLM/A saw variations deviant from the expected. Nonetheless, the evidence presented suggests support for some aspects of the theoretical argument and it should convincingly not to be entirely disregarded. For instance, the results further validate the claim that a group's repertoire of violence may change over time if internal group norms concerning violence against civilians changes due to exposure of different tools for restraint by the commanders, implicit or explicit. On the other hand, it proved difficult to identify what type or tool was utilised by the commanders in each case to control the forms of violence used by the combatants, implicit or explicit, or if it was a combination of several methods employed simultaneously.

Furthermore, as has been argued in the vast amount of studies on the topic, it seems there are other factors not controlled for that may have had an effect on the observed variations in the outcome variable for each case. This will be discussed in the alternative explanations section.

From the results, another interesting observation can be derived as it can be suggested that it is not the number of IHL measures that matter to levels of CRSV but rather the type of measure, or combinations of some that the group choose to implement. The theoretical argument postulated that more measures of IHL implemented by a rebel group would result in lower levels of sexual violence by said group based on earlier findings (see for instance Mack, 2008; Terry and McQuinn, 2018), as this would indicate that the group to a certain degree respected the law and was aware of potential punishments if violating regulations which would ultimately decrease the prevalence of CRSV. However, as the results show, it may instead be that certain types of measures are more effective in limiting acts of sexual violence than other, depending on the rebel group, what goals it has etc. The apparent effectiveness of the adoption of internal rules by the SPLM/A illustrates this.

5.1. Alternative explanations

As evident, SPLM/A showed deviating variations from the expected relationship. The decreased levels of sexual violence by the LRA was also questioned in the analysis due to the ongoing peace negotiations with the Ugandan government. In 2002, when the level of sexual violence by SPLM/A increased from *isolated* to *numerous*, it was reported that the conflict

between the rebel group and government had intensified as the government obtained oil revenues allowing them to purchase increasingly lethal weapons (ICG, 2002). In the case of LRA, the conflict intensity thus decreased whereas the conflict in which SPLM/A was involved convincingly increased. Evidently, conflict intensity varied during the chosen time periods and may hold some explanatory value in the irregularity shown in the results. Previous research has argued that high conflict lethality correlates with other types of violence including sexual violence (Cohen, 2013), as it indicates the degree to which combatants are prone to use violence against civilians. More generally, Carlsson (2016) contend that wartime sexual violence is associated with other forms of violence and the degree of conflict intensity.

In the theoretical framework, it was argued that the reason for why non-state actors implement measures of IHL in the first place is based on their strife to achieve political legitimacy as viable political entities where domestic and international audiences are of importance. The variation of political legitimacy-seeking groups has been considered as previous research has argued that service provision by secessionist rebels legitimates their claim of sovereignty to domestic and international audiences, and thus is a strategic tool those groups use to achieve their goal of legitimacy and ultimately independence (Stewart, 2018). Consequently, the level to which the rebel groups seek legitimacy may have affected the proposed relationship. However, with the limited time given to write this thesis, it was difficult to beneficially control for this. Hence, the type of incompatibility of the conflict was used as a proxy and it was ensured that the incompatibilities of all cases included were over government rather than territory.

In line with this, another factor has to be accounted for relates to the hierarchical structures of the rebel groups. Even though the organisational characteristics of each rebel group were established in the case selection, i.e., that they have a central command, the degree to which the leaders of the rebel groups were able to influence the type of violence used as well as the targets may vary between the groups and for that reason explain some variation in the prevalence of sexual violence.

5.2. Limitations of the research design

The research design which has guided this study certainly consists of a number of limitations. Firstly, the fundamental limitation of a comparative case study concerns issues of generalisability of findings. The method used allowed for thick descriptions and in-depth understandings of the phenomenon of interest, to some degree achieved by forsaking broad generalisations (Gerring, 2007: 38). The mentioned issue concerns the trade-off between internal and external validity where the former applies to the study at hand while the latter refers to a larger unexplored population (ibid.). As the method of case selection in small-n studies cannot fully ensure representativeness of an entire population, the external validity of this type of study is considered weaker. Conclusively, no generalisations should be drawn from the findings of this thesis before tested and supported by other studies.

Another limitation of this study relates to the time period of choice. Studying the effects of the implementation of several legal tools over a period of four years may be criticized as the results do not suggest anything with regards to the effects over time. A large portion of the theoretical framework was built mainly on normative changes within groups. Arguably, observing normative changes is generally difficult and does require more than a time span of four years. A related issue concerning the time period and implementation is that not all cases saw the implementation of a measure the first year of analysis further impeding comparability and relevance of the results seeing as the rebel groups were not allowed the same amount of time to possibly adjust their behavioural patterns. However, the limited time given to write this paper obscured the possibility of gathering and analysing more extensive data for each case, even though it would potentially have provided better and more useful results. Lastly, the case selection did not fulfil the time order criterion as it was not established that each case saw a decrease following the implementation of IHL measures (Kellstedt and Whitten, 2013: 55). It must be considered that there exists a possibility that the observed decrease in the prevalence of sexual violence in each case had already begun before the first measure was implemented.

The reliability of some operationalizations also constitute a limitation to the research design. Measuring gender inequality is difficult due to the thick nature of the concept, holding different meanings to different persons. By including only three aspects: reproductive health,

empowerment and economic status, this certainly fails to capture other important factors, i.e., education and physical or psychological violence. Similarly, operationalizing state strength proved to be difficult and the indicator state legitimacy from the Funds for Peace project was used as a proxy for state strength. The concept in itself is not incisive and depending on what definitions are used, how it is operationalized and further interpreted, this may render different results.

Lastly, the data collection strategy saw some limitations. The “Their Words” database served as the main source used to retrieve empirical data on the implementation of various legal tools by rebel groups. While the advantages of utilising information from this database has been discussed in the research design section, the data is not triangulated causing the results to appear less reliable. However, accessing useful information about rebel group activities is in general very difficult (Höglund and Öberg, 2011). Likewise, collecting data on conflict related sexual violence by the rebel groups also proved to be difficult for two reasons. Firstly, as mentioned in the introduction, sexual violence is a crime obscured by taboo, generating stigma (ICRC, 2019). Due to this, there is strong reason to believe there are a lot of hidden statistics as many incidents go unreported. During case selection, gender inequality was controlled for and the levels of gender inequality in the respective countries can be considered fairly low. This may further strengthen the argument by Davies and True (2015) introduced in the literature review section, that the degree of gender equality has an impact on the reporting patterns of sexual violence. Consequently, the results presented here can therefore only represent a fraction of the reality of sexual violence against civilians perpetrated by rebel groups (Amnesty International, 2004a). Secondly, the issue of selection bias becomes relevant, which entails that “some things are systematically reported while other things are systematically underreported” (Höglund and Öberg, 2011: 56), yielding a distorted picture of reality. The information published by news outlets and NGOs is selected based on several criteria including e.g., threshold, relevance, unexpectedness and negativity (ibid: 57). To exemplify this, during the same time period that the rebel group JEM were analysed, another rebel group named Janjaweed together with the Sudanese government were active in the region and engaged in various forms of violence (UCDP, 2019d). Arguably, reports of governments perpetrating violence against civilians is more unexpected and negative as the government can face major international consequences such as reputation costs rather than when a rebel group engages in such acts.

6. Summary and conclusions

The main purpose of this paper has been to contribute to the research on the causes of wartime sexual violence, examining the association between said phenomenon and the implementation of measures of IHL by rebel groups as previous research has found a connection between the mentioned. However, the type of violence used has been unspecified in earlier works. For this reason, this thesis has focused on conflict related sexual violence by rebel groups and the level of IHL measures based on the adoption of special agreements, unilateral declarations and inclusion in codes of conduct. The findings illustrated some level of consistency with the theoretical argument although other factors appeared to hold some explanatory value. From the results, it can be argued that it is not the level of implementation that matters to the levels of sexual violence but rather the type of measure. This appears to be connected the degree to which group commanders are able to influence compliance-behaviour and control the types of violence used. Furthermore, the results indicate that by adopting codes of conduct to better align the behaviour of fighters with the norms represented by IHL, this appeared to influence both norms and behavioural patterns in the group, explained by that the source of influence of their behaviour was internal and not imposed from the outside.

This finding carries important policy implications with regards to sexual violence. If the internal norms of a rebel group are better aligned with IHL, this may affect their propensity to engage in acts of sexual violence against civilians. As Wood (2009) and Hoover Green (2016) contend, the recruitment process and initiation rituals in which new members are drilled by the military leadership shape the initial distribution of combatant preferences for violence and hence fosters certain types of violence. If the rebel group have resolute internal norms adopted to the regulations set out in IHL taught to new members during the recruitment process, new combatants will hopefully relate to these during conflict onset which may ultimately lower the prevalence of wartime sexual violence.

While this thesis represents an attempt to explore the causes of sexual violence by rebel groups, seeking cross-disciplinary explanations in the area of International Law, the topic remains highly relevant for future research. By considering the speech held by ICRC president Peter Maurer on the continued failure of government forces and rebel groups to adhere by the rules of IHL under which the actors are bound, this suggests that there are more causes to be analysed and researched in order to minimize the suffering brought upon

civilians by said actors. It has been shown that government forces to a vast extent commit acts of sexual violence, however most research on the topic focuses on rebel groups. Seeing as state militaries are bound by far more rules than rebel groups, it is necessary to examine how to increase their compliance with IHL in order for policy makers and NGOs to design approaches lowering their propensity to commit sexual violence. Furthermore, there is a need for more large-N studies in order to examine the effects of implementation of measures of IHL by rebel groups over a longer period of time. This would bring the possibility to determine the strength and direction of illustrated correlations as well as that the results could be generalised to a larger population.

Ultimately, this thesis does not suggest that the legal tools under study have the potential to end all violations of IHL committed by rebel groups during conflict onset. What it does suggest, however, is that these measures have the ability to strengthen compliance with IHL for groups that possess certain characteristics. These characteristics include, but are not limited to, the ability of the leadership to control, instruct and train combatants to behave in accordance with IHL provisions and the level of coherence between IHL measures and a rebel group's stated interests and goals.

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8. Appendix

Table 4. *Sample of potential cases* (data retrieved from “Their Words”)

| Rebel group | Special agreements | Unilateral declarations | Inclusion in codes of conduct |
|-------------------------------|---|---------------------------------------|--------------------------------------|
| FARC-EP: Colombia | (1984) (1986) | (2000) (2006) (2008) (2009) (2011) | (2009) |
| MNLF | (1976) | | |
| NRM/NRA: Uganda | | | (1992) |
| SPLM/A: Sudan | (1995) (1996) (1999) (2002) (2004) | (1996) (2001) | (2004) (2008) |
| LRA: Uganda | (2006) (2008) | | |
| NDFP: Philippines | (1995) (1998) | (1991) (2008) (2009) | |
| URNG: Guatemala | (1997) | | |
| RUF: Sierra Leone | (2002) | | (unknown) |
| JEM: Sudan | (2004) | (2008) (2009) | |
| MLC/RCD: Congo (DRC) | (1999) | | |
| LURD/MODEL: Liberia | (2003) | | |
| MILF/BIAF: The Philippines | (1997) (2001) (2009) | (2000) (2002) (2006) | (2000) (2006) |
| RENAMO: Moçambique | (1992) | | |
| ONLF: Ethiopia | | (2008) | |
| FMNL: El Salvador | (1981) (1990) | | |