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The Politics of Collective Security

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THE POLITICS OF COLLECTIVE SECURITY

Anne Orford*

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INTRODUCTION

With the ending of the Cold War, international lawyers have been involved in a major debate about the role of the Security Council, and the United Nations generally, in maintaining global peace and security. A series of proposals for reforming the Security Council and the collective security system under the U.N. Charter has appeared in the aftermath of the United Nations response to the Gulf crisis, inspired in large

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part by the publication of *An Agenda For Peace* by Secretary-General Boutros-Ghali in June 1992.¹ Much of that scholarship celebrates the revitalization of the Security Council and presents the revitalization of the Council's ability to respond to threats to international peace and security as proof of progress toward the goal of securing global harmony and world order.²

A second theme to emerge in current international legal scholarship is the complicated relationship between gender and international law. Feminist scholars have begun the daunting task of placing issues concerning women on the international legal agenda.³ To date, feminist

1. BOUTROS BOUTROS-GHALI, AN AGENDA FOR PEACE (1992) [hereinafter BOUTROS-GHALI, AGENDA]. The Secretary-General's 50 page report was prepared in response to the invitation extended at the conclusion of the first meeting at the level of Heads of State and Government held by the Security Council in January 1992. Contributions to the legal literature concerning the reform of the Security Council include GARETH EVANS, COOPERATING FOR PEACE: THE GLOBAL AGENDA FOR THE 1990S AND BEYOND (1993); MICHAEL RENNER, CRITICAL JUNCTURE: THE FUTURE OF PEACEKEEPING (1993); Boutros Boutros-Ghali, *Beyond Peacekeeping*, 25 N.Y.U. J. INT'L L. & POL. 113 (1992) [hereinafter Boutros-Ghali, *Peacekeeping*]; David D. Caron, *The Legitimacy of the Collective Authority of the Security Council*, 87 AM. J. INT'L L. 552 (1993); Peter Wilenski, *Reforming the United Nations for the Post-Cold War Era, in WHOSE NEW WORLD ORDER? WHAT ROLE FOR THE UNITED NATIONS?* 122 (Mara R. Bustelo & Philip Alston eds., 1991).

2. See, e.g., EVANS, *supra* note 1; Gareth Evans, *The New World Order and The United Nations, in WHOSE NEW WORLD ORDER? WHAT ROLE FOR THE UNITED NATIONS?*, *supra* note 1, at 1; Abram Chayes, *The Use of Force in the Persian Gulf, in LAW AND FORCE IN THE NEW INTERNATIONAL ORDER* 3 (Lori F. Damrosch & David J. Scheffer eds., 1991); Richard L. Gaines, *On the Road to a Pax U.N.: Using the Peace Tools at Our Disposal in a Post-Cold War World*, 25 N.Y.U. J. INT'L L. & POL. 543 (1993); Matthew Neuhaus, *International Law at the United Nations*, PROC. OF SECOND ANNUAL MEETING OF ANZSIL 253 (1994); W. Michael Reisman, *The Constitutional Crisis in the United Nations*, 87 AM. J. INT'L L. 83 (1993); David J. Scheffer, *Use of Force After the Cold War: Panama, Iraq, and the New World Order*, in LOUIS HENKIN ET AL., *RIGHT V. MIGHT: INTERNATIONAL LAW AND THE USE OF FORCE* 109 (2d ed. 1991); Brian Urquhart, *Learning from the Gulf, in WHOSE NEW WORLD ORDER? WHAT ROLE FOR THE UNITED NATIONS?*, *supra* note 1, at 11.

For legal analyses that are more critical of recent Security Council actions, see MIDDLE EAST WATCH, *NEEDLESS DEATHS IN THE GULF WAR: CIVILIAN CASUALTIES DURING THE AIR CAMPAIGN AND VIOLATIONS OF THE LAWS OF WAR* (1991); Philip Alston, *The Security Council and Human Rights: Lessons to be Learned from the Iraq-Kuwait Crisis and Its Aftermath*, 13 AUSTL. Y.B. INT'L L. 107 (1992); David D. Caron, *Iraq and the Force of Law: Why Give a Shield of Immunity?*, 85 AM. J. INT'L L. 89 (1991); Judith G. Gardam, *Proportionality and Force in International Law*, 87 AM. J. INT'L L. 391 (1993); Ruth Gordon, *United Nations Intervention in Internal Conflicts: Iraq, Somalia, and Beyond*, 15 MICH. J. INT'L L. 519 (1994); René Provost, *Starvation as a Weapon: Legal Implications of the United Nations Food Blockade Against Iraq and Kuwait*, 30 COLUM. J. TRANSNAT'L L. 577 (1992); Henry J. Richardson III, *The Gulf Crisis and African-American Interests Under International Law*, 87 AM. J. INT'L L. 42 (1993); Oscar Schachter, *United Nations Law in the Gulf Conflict*, 85 AM. J. INT'L L. 452 (1991).

3. It should be noted that feminism came somewhat late to international law, an indication perhaps of the resistance of the discipline to critical analyses. For one of the earliest and most influential indictments of international legal scholarship from a Western feminist

international lawyers have not played a significant role in debates about the role of the Security Council, nor has the feminist challenge to international law influenced the international lawyers working on security issues.⁴ This article identifies two ways in which feminist analyses can inform current debates about collective security, and contribute to proposals for reforming the Security Council.

Part I argues that conventional international legal analyses about Security Council actions do not consider the gender-differentiated effects of those actions. The universality of male interests is taken for granted by international lawyers. The first level of analysis thus involves adding

perspective, see Hilary Charlesworth et al., *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613 (1991). For analyses of international humanitarian law and international law concerning the use of force, see Christine Chinkin, *A Gendered Perspective to the International Use of Force*, 12 AUSTL. Y.B. INT'L L. 279 (1992); Judith Gardam, *A Feminist Analysis of Certain Aspects of International Humanitarian Law*, 12 AUSTL. Y.B. INT'L L. 265 (1992).

Other feminist international legal scholarship includes Lama Abu-Odeh, *Post-Colonial Feminism and the Veil: Considering the Differences*, 26 NEW ENG. L. REV. 1527 (1992); Charlotte Bunch, *Women's Rights as Human Rights: Toward a Re-Vision of Human Rights*, 12 HUM. RTS. Q. 486 (1990); Annie Bunting, *Theorizing Women's Cultural Diversity in Feminist International Human Rights Strategies*, 20 J.L. & SOC'Y 6 (1993); Hilary Charlesworth, *Subversive Trends in the Jurisprudence of International Law*, 86 AM. SOC'Y INT'L L. PROC. 125 (1992); Hilary Charlesworth, *The Public/Private Distinction and the Right to Development in International Law*, 12 AUSTL. Y.B. INT'L L. 190 (1992); Hilary Charlesworth & Christine Chinkin, *The Gender of Jus Cogens*, 15 HUM. RTS. Q. 63 (1993); Christine Chinkin & Shelley Wright, *The Hunger Trap: Women, Food, and Self-Determination*, 14 MICH. J. INT'L L. 262 (1993); Rebecca J. Cook, *International Protection of Women's Reproductive Rights*, 24 N.Y.U. J. INT'L L. & POL. 645 (1992); Karen Engle, *International Human Rights and Feminism: When Discourses Meet*, 13 MICH. J. INT'L L. 517 (1992); Karen Knop, *Re/Statements: Feminism and State Sovereignty in International Law*, 3 TRANSNAT'L L. & CONTEMP. PROBS. 293 (1993).

4. Australia's Foreign Minister, Senator Gareth Evans, for example, states that his recent study of cooperative security for the 1990s and beyond had the following aims:

One of the things we have tried hardest to do in this study . . . is to map, at the outset, the *whole* terrain. There have been innumerable published studies of particular international peace and security problems, or sets of problems, and of particular kinds of responses to them by the international community. The literature, of which we give a sample in the Bibliography, is already enormous and growing monthly more so. But there have been very few attempts to bring all the different problem and response elements together into a single coherent picture: on a map-scale, as it were, that does not obliterate the necessary detail, but at the same time is large enough to be readily grasped.

EVANS, *supra* note 1, at 184. Unfortunately, Senator Evans does not refer to the arguments of feminist theorists of security at any point in his study, nor does he refer at any time to the security interests of women. The sample of literature given in the Bibliography is striking in its failure to refer to any of the literature produced by the feminist community on the issue of world peace and security, a literature which I would suggest is also "already enormous and growing monthly more so." For a useful corrective to the inadequacies of that Bibliography, see the "Select Bibliography" in CYNTHIA ENLOE, *THE MORNING AFTER: SEXUAL POLITICS AT THE END OF THE COLD WAR* 301-17 (1993).

women in; that is, considering the consequences that Security Council actions have had for women in Kuwait, Iraq, Cambodia, Somalia, Mozambique, Bosnia, and the United States. I argue that many women are in fact rendered less secure by actions authorized by the Security Council in the name of collective security. As a result, women must have a voice in the decisions about security that are supposedly made, in part, in their interests.

Second, Part II argues that the assumptions which underlie theories of collective security limit the capacity of those theories to represent the security interests of many groups, including most women. Far from enabling a more secure global environment, the knowledge produced by international lawyers about disorder and chaos contributes to the creation of a context in which oppressive military and economic actions in the name of the Security Council are rendered both plausible and possible.

At both levels of analysis, I suggest that the power relations involved in producing knowledge about collective security operate to marginalize the security interests of many groups, including most women. The interests of men remain the unquestioned norm of collective security scholarship. My argument is not that such interests should be displaced or ignored altogether. Instead, I conclude by suggesting that the interests of elite men should be returned to their particularity. When those interests are seen as one set of interests which should be considered in thinking about security, rather than as a false universal, new visions about the necessary conditions for creating global security might be possible.

The aim of this article is thus to begin a larger and more inclusive debate about collective security and the reform of the U.N. security system. Such a debate is necessary if we want to work toward achieving "survivable" communities, that is, "communities which are committed to making the world livable on a daily basis for all its inhabitants."⁵

I. THE SILENCES OF INTERNATIONAL LAW

International legal analyses of Security Council actions are largely silent about the consequences of such actions for women. As a result, the lessons learned from the history of "successful" actions in the Gulf and Cambodia, or the "failures" in Somalia or Bosnia, take no account of the capacity of Security Council actions to render women less secure.

5. Anne S. Runyan, *The "State" of Nature: A Garden Unfit for Women and Other Living Things*, in *GENDERED STATES: FEMINIST (RE)VISIONS OF INTERNATIONAL RELATIONS THEORY* 123, 138 (V. Spike Peterson ed., 1992).

In this Part, I contest the lessons learned by Western international lawyers about the nature of the conditions of collective security.

First, I compare accounts of women's experiences of Security Council actions with the silence of international lawyers about the consequences of Security Council actions for women. Second, I argue that as a result of the failure of international law to consider the full consequences of previous Council actions, proposals for reforming the Security Council are inadequate.

A. *The Impact of Security Council Actions on Women*

The consequences for women of actions authorized by the Security Council can be documented fairly readily. Security Council actions, including military operations and economic sanctions, have influenced the struggle of women to acquire basic sociopolitical rights, improve health and survival, secure freedom from rape and sexual harassment, and establish economic security. Perhaps the clearest examples of gender-differentiated consequences of such actions concern the growing number of complaints of rape by peacekeepers, the harsh effects of economic sanctions on women, and women's status in militarized cultures. As will be seen, none of these issues are considered in mainstream analyses of the success or failure of the revitalized Security Council.

1. Rape, Militarized Masculinity, and U.N. Peacekeeping

First, the persistence of complaints made by women alleging that they have been raped or assaulted by their "protectors" in Bosnia, Cambodia, and the Gulf suggests that peacekeepers and peace enforcement forces are no less likely than members of other military forces to rape and assault civilian women and women soldiers.⁶ During the past four years, reports have continued to surface about rape, sexual harassment and abuse of girls and women by peacekeeping troops.

The stories and silences of women involved directly in the Gulf War, for example, suggest flaws in the dominant Western representation of the

6. I use the phrase "peace enforcement forces" to refer to those situations where the Security Council has authorized states to use force to restore international peace and security.

The exact legal basis of the resort to force in the Gulf conflict remains a matter of some dispute. See Thomas M. Franck & Faiza Patel, *UN Police Action in Lieu of War: "The Old Order Changeth,"* 85 AM. J. INT'L L. 63, 64 (1991); Eugene V. Rostow, *Until What? Enforcement Action or Collective Self-Defence?*, 85 AM. J. INT'L L. 506, 510 (1991); Schachter, *supra* note 2, at 452; Burns H. Weston, *Security Council Resolution 678 and Persian Gulf Decision Making*, 85 AM. J. INT'L L. 516, 518 (1991).

Gulf War as clean, quick, competent, effective, and successful.⁷ The U.S. Army's Criminal Investigation Command has released findings that "[a]t least 24 U.S. Army servicewomen were raped or sexually assaulted while serving in the Persian Gulf region during Operations Desert Shield and Desert Storm."⁸

The Gulf crisis does not provide the only example of the exploitation and abuse of women by peacekeepers or peace enforcement forces. In December 1993, Aldo Ajello, the commander of the U.N. mission in Mozambique, received a letter from the International Save the Children Alliance, which complained that U.N. military personnel had bought sex from hundreds of girls, many of whom were orphaned or abandoned during the war.⁹ In February 1994, the U.N. issued a report which concluded that the increase in prostitution generated by the U.N. contingent "has negatively affected the quality of urban public life and apparently generated some ill feeling toward troops in some areas."¹⁰

Accounts of sexual assault by peacekeepers and of a dramatic increase in prostitution have also emerged from Cambodia. In September 1992, the chief of the United Nations Transitional Authority in Cambodia (UNTAC), Yasushi Akashi, dismissed complaints about peacekeepers' conduct at a meeting with aid groups, stating he was not a puritan, and that "18-year-old, hot-blooded soldiers" have a right to drink, enjoy themselves, and chase "young, beautiful beings of the opposite sex."¹¹ In a letter responding to these remarks, a group of 165 Cambodian and

7. For examples of representations of the Gulf War in those terms, see ADDRESS BY SECRETARY-GENERAL JAVIER PEREZ DE CUELLAR, 22 APRIL 1991 AT THE UNIVERSITY OF BORDEAUX, U.N. Press Release, SG/SM/4560 (24 Apr. 1991), reprinted in WHOSE NEW WORLD ORDER? WHAT ROLE FOR THE UNITED NATIONS?, *supra* note 1, at 141, 143 ("the swift and systematic response of the Security Council to the invasion of Kuwait by Iraq"); EVANS, *supra* note 1, at xi ("the effective collective response to the Gulf crisis"); Evans, *supra* note 2, at 2-4 ("we have had with the Gulf War a resounding affirmation and demonstration of the effectiveness of the principles of collective security"; "there is a particular significance in the successful international effort to reverse Iraq's aggression: the outcome of the Gulf War was a triumphant reaffirmation of the UN's collective security role"); Reisman, *supra* note 2, at 85 ("the Council . . . seems remarkably effective, as was most recently demonstrated by the expulsion of an aggressor and the liberation of Kuwait. That was a campaign all could applaud . . ."); Scheffer, *supra* note 2, at 126 ("international law was a winner during the Gulf conflict . . . a powerful precedent has been established that should deter at least some of the aggressive stratagems of lawless rulers").

8. John Lancaster, *24 Women Assaulted on Gulf Duty*, WASH. POST, July 21, 1992, at A1; see also *Sex Crimes in Gulf Cited*, N.Y. TIMES, July 18, 1992, at A7.

9. Gayle Kirshenbaum, *Who's Watching the Peacekeepers?*, Ms., May-June 1994, at 12.

10. *Id.* There has been little action taken as a result of the findings — at the time, a number of U.N. soldiers were sent home and a 6 p.m. curfew was imposed on the rest of the troops. *Id.* The author of the report, Behrooz Sadry, stated that the goal of the investigation was never to initiate criminal proceedings. *Id.*

11. *Id.* at 13.

Western women and men alleged that sexual harassment of women "occur[red] regularly in public restaurants, hotels and bars, banks, markets, and shops,"¹² and that there had been a dramatic increase in prostitution since March 1992, when UNTAC soldiers arrived to enforce the 1991 Paris Peace Accord.¹³ They stated that while there were 6000 women working as prostitutes in 1991, by 1992 the number had risen to 20,000; and there had also been a sharp rise in child prostitution.¹⁴

There have also been allegations that U.N. personnel in Bosnia sexually abused women who were being held captive by Serbs.¹⁵ Although the U.N. held an inquiry to investigate the complaints of rape, Yasushi Akashi, now head of the U.N.'s peacekeeping operation in the former Yugoslavia, announced in March 1994 that the charges were baseless and closed the matter.¹⁶ Secretary-General Boutros-Ghali has since appointed an inspector to investigate other charges that troops were soliciting prostitutes and trading in black market goods.¹⁷

2. The Gendered Effects of Economic Sanctions

Second, research conducted by Harvard and U.N. research teams into conditions in post-war Iraq has shown that the imposition of economic sanctions, combined with the destruction of Iraq's civilian infrastructure, has had harsh effects on the people of Iraq in general, and on Iraqi women as a group. A number of reports have detailed the harsh effects of sanctions on civilians. A visit by the Food and Agricultural Organization of the United Nations (F.A.O.) in November 1993 confirmed that the impact of sanctions had spread throughout the country, affecting civilians and the government.¹⁸ The F.A.O. reported a deterioration in household food security, a shortage of medical supplies, and deterioration of the overall health situation.¹⁹

12. See Barbara Crosette, *When Peacekeepers Turn Into Troublemakers*, N.Y. TIMES, Jan. 7, 1996, § 4, at 6.

13. Kirshenbaum, *supra* note 9, at 13.

14. *Id.* As one report noted, "[o]ne of the biggest U.N. peacekeeping operations in history — involving 16,000 troops — helped to put Cambodia 'on the map' in regard to trafficking in women . . . just as U.S. soldiers had done for Saigon, the Philippines and Bangkok during the Vietnam war." *Id.*

15. Roy Gutman, *U.N. Forces Accused of Using Serb-Run Brothel*, WASH. POST, Nov. 2, 1993, at A12; *U.N. Treachery*, Ms., Jan.-Feb. 1994, at 16.

16. David B. Ottaway, *U.N.: No Major Corruption Among Its Force in Bosnia*, WASH. POST, Jan. 28, 1994, at A19.

17. Kirshenbaum, *supra* note 9, at 14.

18. Sarah Zaidi, *War, Sanctions, and Humanitarian Assistance: The Case of Iraq 1990-1993*, at 1 MED. & GLOBAL SURVIVAL 147, 149-52, 154 (1994).

19. *Id.*

One study has focused on the effect of sanctions on Iraqi women. In 1991, sociologists and lawyers with the International Study Team compiled a report on the state of women under the sanctions regime, based on interviews conducted with eighty women throughout Iraq.²⁰ According to the study, the collapsed Iraqi economy had a severe impact on women. Eighty percent of women interviewed said their domestic responsibilities had increased significantly and that they felt overwhelmed by their daily struggle to provide their children with even basic needs like food and water. Nearly fifty percent of the women interviewed had depleted all of their savings due to the fact that rationing and widespread illegal markets controlled the availability of humanitarian supplies. The situation was worst for women who did not have assets to sell to pay for food and other daily needs.²¹

Cynthia Enloe has noted that "any configuration of international relationships can be fashioned by government leaders only if they can devise ways to harness women's compliance."²² Enloe argues that Saddam Hussein relies on the Iraqi Women's Federation to mobilize women to "put in place the consumer rationing programmes which will be the key to the Hussein regime's ability to withstand the UN embargo,"²³ while the Security Council wagers that such support will eventually waver. Given the suggestion that women bear much of the burden of

20. See Zaidi, *supra* note 18, at 153. Zaidi notes that the findings of the International Study Team were based on fieldwork conducted in Iraq in August and September 1991. The study, conducted by an international team of 87 researchers, was organized by graduate students at the Harvard Law School and the Harvard School of Public Health, with members of the Gulf Peace Team, and funded by UNICEF, the MacArthur Foundation, the John Merck Fund and Oxfam-UK. *Id.*

21. *Id.* at 153. The effects of sanctions have been greatly exacerbated by the consequences of allied bombing of electrical systems and other infrastructure. A report by Middle East Watch in November 1991 described the results of the virtual destruction of Iraq's electrical system by allied bombing:

[T]he cost to the civilian population of these attacks on the electrical system was severe. Iraq was quickly transformed from a modern, energy-dependent society into, in the now-famous words of the Ahtissari report, a "pre-industrial age." Shortages of food due to the U.N. embargo were exacerbated by the lack of refrigeration and the impairment of Iraq's highly mechanized, irrigation-based agriculture. The nation's electricity-dependent water-purification and sewage-treatment facilities were crippled, creating a serious health hazard. Hospitals and clinics were forced to meet this growing health emergency, and to treat the war wounded, with, at most, erratic electricity supplied by back-up generators. Vaccines and medicines requiring refrigeration deteriorated and were difficult to replace. A UNICEF representative in Iraq noted in late May the "vicious circle" of "poor hygiene, contaminated water and poor diet," which he said left about 100,000 Iraqi children under one year of age vulnerable to diarrhea and dehydration.

MIDDLE EAST WATCH, *supra* note 2, at 9-10.

22. ENLOE, *supra* note 4, at 163.

23. *Id.* at 169.

responding to sanctions, and of coping with the results of U.N.-imposed restrictions on food and medicine, international lawyers must be clear about why we are targeting and disciplining women by imposing sanctions. To treat the decision to impose sanctions as a decision involving only the U.N. and recalcitrant governments ignores the role all civilians, and particularly women, are forced to play in order to survive the consequences of these decisions.

3. The Remilitarization of U.S. Culture

Third, women and members of minority groups in the United States have argued that the Gulf War has had major implications for their political status and security. Their most fundamental concern is that the popular perception of the Gulf War as clean, quick, and surgical has entrenched militarism further in U.S. culture. The pattern of media "self-censorship, combined with government manipulation" meant that, perhaps for most Americans, the war sanitized the state's armed forces, "showing [war] as a place where honorable men can handle hardship and deadly technology with competence and aplomb and where women can take a more active role in defending their country."²⁴ The Gulf War provided further legitimation for U.S. militarism, through the construction of the U.S. military as global saviors, or a global police force defending the "new world order."²⁵ As a result, the U.S. military may have "come out of the Gulf War more thoroughly integrated into the social structure than it has been in the last two centuries. If so, the end of the Cold War will not mean the end of militarization of women's lives."²⁶ Indeed, the Gulf War also saw the successful feminization of the homefront, signified by the yellow ribbons which were worn and tied around trees, antennas, and buildings throughout the United States once the bombing started. Both Cynthia Enloe and Lynda Boose have interpreted the civilian support for "our boys" as a response to the

24. *Id.* at 191-92. For discussions of media self-censorship, see NOAM CHOMSKY, *DETECTING DEMOCRACY* 407-40 (1992); *TRIUMPH OF THE IMAGE: THE MEDIA'S WAR IN THE PERSIAN GULF* (Hamid Mowlana et al. eds., 1992).

25. In President Bush's speech to Congress on September 11, 1990, he spoke of a new world . . . struggling to be born. A world quite different from the one we've known. A world where the rule of law supplants the rule of the jungle. A world in which nations recognize the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak.

136 CONG. REC. 23,920 (1990). From a feminist perspective, Bush's references to the birth of a new world, and his construction of "the rule of the jungle" as representing the "state of nature," deserve far more analysis than I can give them here.

26. ENLOE, *supra* note 4, at 184.

imagined figure of the resentful male Vietnam veteran who emerged as a symbol of besieged masculinity in 1980s America.²⁷

The increasing militarization of U.S. culture and the U.S. economy is a matter of particular concern for women due to the gender-differentiated effects of war and militarism. Women suffer disproportionately when there are cutbacks in civilian spending in order to fund increased spending on the defence budget.²⁸ The continued ban on women in "combat," itself an unstable category continually being redefined to ensure that the military can be adequately staffed without lowering masculine morale, means that women do not benefit from increased military spending in the ways that male career militarists do.²⁹ There is also evidence that violence against women increases in militarized cultures generally and in military families in particular.³⁰

Finally, the remilitarization of U.S. culture, and perhaps of many Western democracies, is also of concern outside those societies. Any evidence of increased willingness on the part of U.S. citizens to support militaristic solutions to international conflicts is a matter of grave concern for those in the areas which have suffered at the hands of the U.S. military during recent decades.³¹ The closing of the space for alternative forms of self-representation in U.S. culture impacts not only upon women in the United States, but upon the security of people all over the globe. It suggests that the high-violence options which continue to threaten the security of many are now once again marketable to many citizens of the United States and other Western democracies.³²

27. *Id.*; Lynda Boose, *Techno-Muscularity and the "Boy Eternal,"* in CULTURES OF UNITED STATES IMPERIALISM 581 (Amy Kaplan & Donald E. Pease eds., 1993).

28. Ann Tickner argues that "[w]hen military spending is high and social welfare programs are cut back, women, who are disproportionately clustered at the bottom of the socioeconomic scale, are usually the first to suffer. Women also assume most of the unremunerated caregiving activities that states relinquish when budgets are tight." J. Ann Tickner, *Inadequate Providers? A Gendered Analysis of States and Security,* in THE STATE IN TRANSITION: REIMAGINING POLITICAL SPACE 125, 130 (Joseph A. Camilleri et al., 1995)

29. Cynthia Enloe has argued that feminists need to find a way to argue two things simultaneously: first, "that the military is too important a social institution to be allowed to perpetuate sexism for the sake of protecting fragile masculine identities" and second, "that the military is too important." See Cynthia Enloe, *The Right to Fight: A Feminist Catch-22*, Ms., July-Aug. 1993, at 84, 87.

30. Tickner, *supra* note 28, at 130.

31. See CHOMSKY, *supra* note 24 (providing critical analysis of U.S. military intervention in Central America, Latin America, the Caribbean, Asia, and Africa).

32. For further development of this argument, see ENLOE, *supra* note 4, at 161-200; EDWARD SAID, CULTURE AND IMPERIALISM 341-408 (1993); Boose, *supra* note 27; Susan Jeffords, *The Patriot System, or Managerial Heroism,* in CULTURES OF UNITED STATES IMPERIALISM, *supra* note 27, at 535; Donald E. Pease, *Hiroshima, the Vietnam Veterans War Memorial, and the Gulf War: Post-National Spectacles,* in CULTURES OF UNITED STATES

4. Mainstream Analyses of International Law

It is clear from the above accounts that Security Council actions have had, and continue to have, profound implications for the status and security of women. It is revealing to compare these accounts, largely available only through the feminist press, alternative media sources, and in the work of feminist theorists, with mainstream analyses of the success of operations in the Gulf, Bosnia, Mozambique, and Cambodia. The gender-differentiated effects of Security Council actions have been ignored in mainstream international legal analyses of the success, effectiveness, and desirability of past and future actions.³³

The Gulf War, for example, is treated by international lawyers writing in the area of collective security as an important historical event. Many agree that it represented the revitalization of the Security Council; the collective security system established under the U.N. Charter finally achieved its potential after years of effective paralysis through the reciprocal use of the veto.³⁴ The military operation in the Gulf is represented as an example of an effective, successful, quick, and clean response by the collective security system to state aggression.³⁵ Among the many contributions by international lawyers to the analysis of the operation in the Gulf, however, very few have considered the effect of that action on women.³⁶ The silence of international lawyers about these

IMPERIALISM, *supra* note 27, at 557; Michael Rogin, "Make my Day!": Spectacle as Amnesia in Imperial Politics, in CULTURES OF UNITED STATES IMPERIALISM, *supra* note 27, at 499.

33. The failure of official reports to refer to women's interests is both remarkable and extremely troubling. The Secretary-General's reports to the Security Council on Mozambique, for example, make no reference to the reports of abuse of power by peacekeepers. See *Further Report of the Secretary-General on the United Nations Operation in Mozambique*, U.N. SCOR, 49th Sess., 1002d mtg., U.N. Doc. S/1994/1002 (1994); *Report of the Secretary-General on the United Nations Operation in Mozambique*, U.N. SCOR, 49th Sess., 803d mtg., U.N. Doc. S/1994/803 (1994); *Report of the Secretary-General on the United Nations Operation in Mozambique*, U.N. SCOR, 49th Sess., 511th mtg., U.N. Doc. S/1994/511 (1994). The failure of official reports to refer to these allegations suggests a disregard for the concerns and interests of the women involved. That failure also suggests that the wisdom of sending soldiers to maintain peace will not be questioned in the short term. Similarly, the Secretary-General's reports on the situation in Somalia indicate a lack of concern for women's post-conflict role. See *Report by the Secretary-General Concerning the Situation in Somalia*, U.N. SCOR, 49th Sess., 1068th mtg., U.N. Doc. S/1994/1068 (1994); *Report of the Secretary-General to the Security Council on Somalia*, U.N. SCOR, 49th Sess., 977th mtg., U.N. Doc. S/1994/977 (1994).

34. See, e.g., EVANS, *supra* note 1; Chayes, *supra* note 2, at 6; Evans, *supra* note 2, at 2; Gaines, *supra* note 2, at 549; Neuhaus, *supra* note 2, at 253; Reisman, *supra* note 2, at 85; Scheffer, *supra* note 2, at 125-34.

35. See, e.g., sources cited *supra* note 6.

36. For an analysis that does examine the impact on women, see Judith Gardam, *Gender and Non-Combatant Immunity*, 3 TRANSNAT'L L. & CONTEMP. PROBS. 345 (1993).

issues seems to indicate that the interests of women are simply seen as irrelevant. It may be that rape and sexual abuse of women are seen as a "private issue," even though the decision to send peacekeepers to particular countries is a public issue.³⁷

The official responses by military leaders and U.N. officials to complaints of increased prostitution, rape, and sexual assault by peacekeepers suggest that abuse and exploitation of women are inevitable. Fred Eckhard, the associate spokesperson for Secretary-General Boutros-Ghali, has argued:

I don't think it's a U.N. problem. . . . It's a universal problem. . . . [W]e (U.N. personnel) are pretty much the same as the average human being. . . . [[T]here will always be problems when] you put large numbers of men together, send them away from home, keep them in barracks, put them in military maneuvers for a period of time. You give them a couple of nights off, they tend to look for company, drink, make a lot of noise, and sometimes get into trouble.³⁸

Eckhard's response illustrates that U.N. officials continue to view the brutalization of women as something which is not the responsibility of the U.N. but a "universal problem" caused by the fact that U.N. peacekeepers are, after all, "average human beings." Feminist analyses, on the other hand, suggest that militarized men are not simply average human beings, but are men produced in particular ways: through military training, appeals to masculinity, and cultural license toward military brutality against women and feminized Others.³⁹ The implications of that training are revealed in reports of women who suffer rape in war, who work as prostitutes during wars or near military bases, and in the reports of women in the military who have suffered rape and sexual harassment.⁴⁰

37. Charlesworth, Chinkin, and Wright have criticized the characterization of violence against women as a private, domestic issue, and thus outside the province of international law. See Charlesworth et al., *supra* note 3, at 627-29.

38. Quoted in Kirshenbaum, *supra* note 9, at 10.

39. See, e.g., ENLOE, *supra* note 4; Enloe, *supra* note 29; Susan Faludi, *The Citadel*, NEW YORKER, Sept. 5, 1994, at 62.

40. The Tailhook scandal in the United States revealed a misogynistic culture among U.S. military personnel. See ENLOE, *supra* note 4, at 192, 195-96. Similarly, the Australian Senate has conducted an investigation into a navy sexual harassment scandal, following the report of a naval investigation into the issue. The investigation found a culture that "encouraged misogyny and behavior 'well beyond any standard of common decency.'" *Naval Maneuvers*, Ms., Jan.-Feb. 1994, at 17, 17. Recent revelations about the experience of Filipinas at the hands of both Japanese troops during World War II and the United States military at Subic Bay Naval Base and Clark Air Base give some insight into the construction of militarized masculinity. See Sheila Coronel & Ninotchka Rosca, *For the Boys: Filipinas Expose Years of*

Ignoring the complaints made by women means that officials and experts fail to acknowledge that sending militarized men to maintain peace may have destructive implications for local men, women, and children.⁴¹ Both Eckhard and Akashi dismiss violence against women as normal, universal, and, indeed, understandable.⁴² Through their failure to take action against those peacekeepers who are abusing their positions of power and responsibility, U.N. officials such as Akashi and Eckhard act implicitly to authorize such behavior. If it is true that militarized men inevitably behave in such a way, surely that would suggest that peacekeeping does not operate to protect the interests of local people.

The current efficient, effective security system lauded by many international lawyers is built on the silence of those women and marginalized groups whose accounts of the consequences of Security Council actions are currently not being attended to by security decisionmakers. There is a need to acknowledge that decisions to impose sanctions or initiate military peacekeeping or peace enforcement operations can have gender-differentiated consequences. At the very least, consideration of the different effects that the decision to impose economic sanctions or authorize the use of force may have on women should be built-in as part of the decision-making process. The consequences of those decisions for women should, in turn, inform the analysis of whether the operations or sanctions have been effective.

B. Proposals for Reforming the Collective Security System

The failure of the current collective security system to recognize, let alone protect, women's security interests, suggests the need for women's involvement in collective security decisionmaking. Currently, very few people are able to participate in the process of making decisions about security issues,⁴³ and there are no mechanisms available which enable

Sexual Slavery by the U.S. and Japan, Ms., Nov.-Dec. 1993, at 10. Women's experience of rape in wartime has become an issue on the international legal agenda as a result of the reports of the systematic rape of women as a tool of ethnic cleansing in the former Yugoslavia. See Christine Chinkin, *Rape and Sexual Abuse of Women in International Law*, 5 EUR. J. INT'L L. 326 (1994); Theodor Meron, *Rape as a Crime Under International Humanitarian Law*, 87 AM. J. INT'L L. 424 (1993); Theodor Meron, *War Crimes in Yugoslavia and the Development of International Law*, 88 AM. J. INT'L L. 78 (1994).

41. For a critique of the current practice of sending military troops to enforce peace from a peace activist perspective, see Yeshua Moser, *U.N. Peacekeeping in Cambodia*, ARENA MAG., Aug.-Sep. 1993, at 26 (1993).

42. See *supra* notes 11 (Akashi) and 38 (Eckhard) and accompanying text.

43. Michael Reisman notes that "as the Council has become more effective and powerful, it has become more secretive. Like a parliamentary matryoshka (doll), it now contains ever smaller 'mini-Councils,' each meeting behind closed doors without keeping records, and each

individuals to hold those making such decisions to account.⁴⁴ Peacekeepers are rarely held accountable for oppressive or criminal acts carried out during the course of actions authorized by the Security Council. Issues of democratic participation in decisionmaking, and of the accountability of the Security Council and peacekeepers, should be on the agenda for reforming the collective security system.⁴⁵

Yet, to date, proposals for reform in that area have focused on a narrow range of issues, all of which are directed at increasing the power and efficiency of the Council.⁴⁶ In particular, international lawyers have argued that there is a need to develop better methods of financing peacekeeping forces;⁴⁷ for member states to provide standby troops;⁴⁸ to

taking decisions secretly." Reisman, *supra* note 2, at 85. Before the Council meets, the P-5 (the five permanent members) have met in a special room outside the Security Council, and the P-3 (the U.S., the U.K., and France) have met in consultation. *Id.* at 86. All these meetings are closed and no minutes are kept. *Id.* As Reisman suggests, "[d]ecisions that appear to go further than at any time in the history of the United Nations are now ultimately being taken, it seems, by a small group of states separately meeting in secret." *Id.* at 85-86.

44. The issue of whether even the International Court of Justice has competence to review Council actions taken under Chapter VII of the U.N. Charter was left unresolved in the *Lockerbie* decision. Questions of Interpretation and Application of the 1971 Montreal Convention Arising from the Aerial Incident at Lockerbie (Libya v. U.K.; Libya v. U.S.), 1992 I.C.J. 3, 114 (Provisional Measures of Apr. 4). For analyses of whether the Security Council is outside the control of the rule of law in the wake of the *Lockerbie* decision, see Thomas M. Franck, *The "Powers of Appreciation": Who Is the Ultimate Guardian of UN Legality?*, 86 AM. J. INT'L L. 519 (1992); Vera Gowlland-Debbas, *The Relationship Between the International Court of Justice and the Security Council in the Light of the Lockerbie Case*, 88 AM. J. INT'L L. 643 (1994); Bernhard Graefrath, *Leave to the Court What Belongs to the Court: The Libyan Case*, 4 EUR. J. INT'L L. 184 (1993); Reisman, *supra* note 2.

45. For a legal analysis that does address the need for the democratization of international institutions in the area of collective security, see Gordon, *supra* note 2.

46. See, e.g., Gaines, *supra* note 2, at 587. Gaines argues that the U.N. must be able to "act quickly and proactively to prevent potential conflicts, to intervene, and in emergencies, to suspend sovereignty." *Id.* He imagines an executive arm of the U.N., formed by joining the often-used peacekeeping operations with the rarely-used Chapter VII enforcement provisions, which could "collectively guide a genuine world order." *Id.* This group, he states,

would be an executive enforcer of international law and a stabilizer of the new global marketplace. It would be a peacemaker, peacekeeper, and peace enforcer in one centralized body. Combining this executive arm with stronger legislative and judicial branches, the United Nations could finally become the institution of which the post-World War II founders dreamed.

Id. (citation omitted).

47. See, e.g., Urquhart, *supra* note 2, at 19 (discussing the need for "[d]ifferent methods of financing peace-keeping forces — including subventions by large multinational corporations and other interests that benefit from peace-keeping"); BOUTROS-GHALI, AGENDA, *supra* note 1, at 41-44; EVANS, *supra* note 1, at 174-77; RENNER, *supra* note 1, at 49-53; Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 120; Gaines, *supra* note 2, at 580; Wilenski, *supra* note 1, at 129.

48. See, e.g., EVANS, *supra* note 1, at 163-65; RENNER, *supra* note 1, at 38; Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 115; Urquhart, *supra* note 2, at 19.

finance a U.N. rapid response force;⁴⁹ to strengthen logistical support for peacekeepers;⁵⁰ to expand U.N. training of the military forces serving as peacekeepers;⁵¹ to develop better systems of preventive diplomacy;⁵² to increase the presence of U.N. forces in potential trouble spots;⁵³ to expand the role of peacekeeping;⁵⁴ to improve the availability of necessary equipment;⁵⁵ and to develop mechanisms to ensure the safety of peacekeepers, peacemakers, and U.N. personnel.⁵⁶

1. Democratic Participation

While decisions to take action in the name of "security" have rarely been negotiated with those whose security interests will be most immediately and seriously affected by those actions, the failure to consult or negotiate is particularly marked with respect to women. The failure to acknowledge the impact of Security Council decisionmaking on women

49. See, e.g., RENNER, *supra* note 1, at 48; Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 120; Urquhart, *supra* note 2, at 20 (arguing that there is a need for a "UN rapid-response force on the lines of the SAS or Delta force" to give the Security Council more "practical" means to deal with "terrorism, hostage-taking, and various forms of international blackmail").

50. See, e.g., Urquhart, *supra* note 2, at 19; Wilenski, *supra* note 1, at 130.

51. See, e.g., W. Michael Reisman, *Preparing to Wage Peace: Toward the Creation of an International Peacemaking Command and Staff College*, 88 AM. J. INT'L L. 76, 77 (1994); Urquhart, *supra* note 2, at 19; Wilenski, *supra* note 1, at 130.

52. See, e.g., BOUTROS-GHALI, AGENDA, *supra* note 1, at 13-19; EVANS, *supra* note 1, at 61-80; RENNER, *supra* note 1, at 38, 39 (discussing the need for "boundary and ethnic contingency maps — identifying potential 'hot spots' where borders may be contested or contending groups may clash. Early warning alerts would then kick into gear the U.N. machinery for conflict mediation and arbitration"); Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 119; Wilenski, *supra* note 1, at 130.

53. Urquhart argues that:

In places where the danger of conflict is imminent, such as parts of the Middle East today, the Council should deploy peace-keeping missions to report on the situation and try to contain it while diplomatic and pacific solutions are being sought. If these peace-keeping efforts fail, they should have the function of a trip-wire which would set in motion, after suitable warning, pre-planned enforcement action under Chapter VII of the Charter.

Urquhart, *supra* note 2, at 21. See also BOUTROS-GHALI, AGENDA, *supra* note 1, at 16-18; EVANS, *supra* note 1, at 81-85; RENNER, *supra* note 1, at 40 (discussing the need for "individuals in the field," airborne monitoring equipment, and a "satellite capability").

54. See, e.g., EVANS, *supra* note 1; Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 119.

55. See Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 120 (discussing the need for "more firepower"); Reisman, *supra* note 51, at 76 (advocating the introduction and use of "some of the most modern and destructive weapons" in peacemaking); Urquhart, *supra* note 2, at 20 (arguing that the Military Staff Committee "should now be instructed to embark on an extensive study of how to convert modern military technology, including the various means of deterrence, to the needs of an international system of common security in this highly unstable world"); Wilenski, *supra* note 1, at 129.

56. BOUTROS-GHALI, AGENDA, *supra* note 1, at 39-40; EVANS, *supra* note 1, at 128-29.

allows international lawyers to naturalize women's exclusion from participation in such decisionmaking.

There is, however, a commitment to principles of democratic participation within recent international legal scholarship and decisionmaking about collective security.⁵⁷ Perhaps the most authoritative statement of the need to respect the principles of democratic participation in the area of peace and security is that made by Secretary-General Boutros-Ghali in *An Agenda for Peace*. He points to the need for

[r]espect for democratic principles at all levels of social existence . . . in communities, within States and within the community of States. . . . There is an obvious connection between democratic practices — such as the rule of law and transparency in decision-making — and the achievement of true peace and security in any new and stable political order.⁵⁸

Within nations, the Secretary-General suggests, democracy requires “strong domestic institutions of participation” and the empowerment of those who are “unorganized” or “marginalized.”⁵⁹ Similarly, between nations, democracy “requires the fullest consultation, participation and engagement of all states, large and small, in the work of the . . . Organization.”⁶⁰

Despite that official commitment to democratic participation, women continue to be largely excluded from the process of making decisions about collective security within the U.N. system and are largely unrepresented in parliaments and other political bodies, both at national and international levels.⁶¹ The Security Council is a particularly male-dominated body.

57. See BOUTROS-GHALI, *AGENDA*, *supra* note 1; EVANS, *supra* note 1; Thomas Franck, *The Emerging Right to Democratic Governance*, 86 AM. J. INT'L L. 46 (1992); Louis Henkin, *Use of Force: Law and U.S. Policy*, in HENKIN ET AL., *supra* note 2, at 38–39.

58. BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 10, 34.

59. *Id.* at 47.

60. *Id.* at 46–47.

61. In 1993, for example, the average global representation of women in national legislatures was 10.1%. *Meeting of Women Parliamentarians*, 73 INTER-PARLIAMENTARY UNION BULL. 322 (1993). In 1987, there were no women in senior levels of government bureaucracies in 51 countries. UNITED NATIONS OFFICE AT VIENNA, CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS, *WOMEN IN POLITICS AND DECISION-MAKING IN THE LATE TWENTIETH CENTURY* 62 (1992). Women are clustered at the lower levels of employment in the U.N. Secretariat. Erica-Irene Daes, *Advancement of the Status of Women in the United Nations Secretariat in an Era of "Human Resources Management" and "Accountability": A New Beginning?*, U.N. GAOR Joint Inspection Unit, 49th Sess., Agenda Item 109, at 3, U.N. Doc. A/49/176 (1994). States' nominations for positions in the U.N. system are overwhelmingly male. For a documentation of the absence of women in the U.N. system and an analysis of the implications of the male domination of U.N. processes, see Hilary Charlesworth, *Transforming the United Men's Club: Feminist Futures for the United Nations*, 4 TRANSNAT'L L. & CONTEMP. PROBS. 421 (1994).

Member states of the Security Council are represented on the Council by their permanent representatives to the U.N., and very few permanent representatives to the U.N. are women.⁶²

Women have also been excluded from participation in peacebuilding and peacemaking processes, and as a result, their political status is far from guaranteed in post-conflict societies. Women's exclusion from participation in this area is of particular concern, given the Secretary-General's emphasis in his recent statements on the notion of "post-conflict peacebuilding."⁶³ In *An Agenda for Peace*, Secretary-General Boutros-Ghali states that the concept of peacebuilding in fact amounts to "the construction of a new environment."⁶⁴ Once peacemaking and peacekeeping have achieved their goals, he argues, "only sustained, cooperative work to deal with underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation."⁶⁵

The status and security of women, however, do not appear to be pressing economic, social, cultural, or humanitarian problems worth addressing in the "construction of a new environment." Indeed, the new political environment constructed by the U.N. in countries such as Somalia and Kuwait may prove worse for the political status of women than either the pre-conflict or conflict position.

According to Hibaaq Osman, a Somali human rights activist, women were the most active community workers during the two years of civil war in Somalia.⁶⁶ Somali women found that their roles were revolutionized by the men's absence or failure to provide for the daily needs of their families. To compensate, women sold vegetables, grains, and water; and ran relief agencies and feeding centers; soon becoming the most powerful landowners in Mogadishu.⁶⁷ As order was restored, however, the views of women, despite their wartime leadership positions, were not solicited in the reconstruction process.⁶⁸ In fact, women were completely excluded from involvement in peace negotiations and in planning for the reconstruction of Somalia.⁶⁹ Accordingly, the issues of concern to Somali women, and their visions for the future, were not addressed through that process conducted under the auspices of the U.N.

62. In 1993, eight out of 184 member states had women as their permanent representatives at the U.N. Only one state representative on the Security Council was a woman.

63. *E.g.*, BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 33.

64. *Id.* at 33.

65. BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 33.

66. Hibaaq I. Osman, *Somalia: Will Reconstruction Threaten Women's Progress?*, Ms., Mar.-Apr. 1993, at 12.

67. *Id.*

68. *Id.* at 13.

69. *Id.*

Similarly, for women struggling for political rights in postwar Saudi Arabia and Kuwait, the Gulf War means that they may now "be faced with patriarchal barriers . . . blessed militarily."⁷⁰ Despite the strong Kuwaiti women's suffrage movement, women were not eligible to vote in the post-Gulf War elections on October 5, 1992 — indeed, only fourteen percent of Kuwait's 600,000 citizens were eligible to vote.⁷¹ The systematic exclusion of women *as women* from the Kuwaiti political process has not been the subject of comment in analyses of the success of U.N. action in the Gulf, despite the U.N.'s rhetorical commitment to the restoration of democracy, self-government, and human rights to the people of Kuwait.⁷²

As Osman argues, if any lasting solution is to be found, it is imperative that local participation, including the full participation of women, be given the highest priority throughout the peacemaking process.⁷³ At present, however, full local participation seems to refer only to the participation of men. In this respect, international legal discourse about security bears a disturbing resemblance to colonial politics. The task of ensuring the right to participatory self-government through international law is still a largely "homosocial affair," based upon the "tutelary bonding between white fathers and their (local) male . . . apprentices."⁷⁴

The apparent tendency of U.N. officials to focus on local men as natural "apprentices" is exacerbated by the militarization of post-conflict peacebuilding. In *An Agenda for Peace*, Secretary-General Boutros-Ghali suggests that peacebuilding should involve "comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people."⁷⁵ The

70. ENLOE, *supra* note 4, at 176.

71. Dale Gavlak, *Still Suffering Nonsuffrage in "Liberated" Kuwait*, Ms., Jan.-Feb. 1993, at 14. Those eligible, were Kuwaiti men over the age of 21 whose Kuwaiti ancestry predates 1920. *Id.* Gavlak reports that women activists lobbied parliamentary committees about the need for women's political participation, held rallies for women's political rights, and conducted protests outside polling locations. *Id.* Kuwaiti women also demanded the right to vote, run for political office, and be judges and prosecutors. *Id.* They also advocated equal rights in housing and education as well as full citizenship for the children of Kuwaiti women married to naturalized Kuwaitis. *Id.*

72. Philip Alston argues that while human rights rhetoric played an important role in securing for the allies the support they needed both from their own citizens and from other U.N. member states during the Gulf War, once the allies had established their military objectives they paid little more than lip service to human rights. *See* Alston, *supra* note 2, at 111.

73. Osman, *supra* note 66, at 13.

74. Vicente L. Rafael, *White Love: Surveillance and Nationalist Resistance in the U.S. Colonization of the Philippines*, in *CULTURES OF UNITED STATES IMPERIALISM*, *supra* note 27, at 185, 211.

75. BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 32.

activities he lists as necessary, however, focus principally on the building of a militarily strong state.⁷⁶

Secretary-General Boutros-Ghali sees post-conflict peacebuilding as a way to encourage the parties to a conflict to restore their societies peacefully. While he recognizes that post-conflict peacebuilding involves "sustained efforts to identify and support structures to consolidate peace and create greater trust and well-being among people,"⁷⁷ it appears that his agenda is in practice aimed at ensuring the "trust and well-being" of combatants. The Secretary-General states that peacebuilding measures "require commercial, cultural, and educational projects which build bridges between the parties to a conflict. The goal is to forestall a re-emergence of cultural and national tensions which could spark renewed hostilities."⁷⁸ To the extent that women are prohibited from participating in combat, the focus is more likely to be on commercial, cultural, and educational projects designed for the men who participated in the fighting, rather than for those who maintained the commercial, cultural, and educational life of the community during a conflict.

Accordingly, greater attention needs to be paid to ensure women's participation in the process of making decisions about security issues. It is not necessary here to enter into the debate about whether it is *possible* for elite men to represent everyone's interests.⁷⁹ I have argued that, to date, international lawyers have failed in practice to take into account the interests of women. While it may be possible in theory for those making decisions about security to begin to take account of the security interests of people whose situation is different, that would require the satisfaction of at least two conditions. First, elite decisionmakers on the Security Council and elsewhere would have to recognize that their experiences and interests are not the norm and that other experiences and interests are equally valid. Second, those decisionmakers would have to be willing to learn from those who are situated differently about the nature of their

76. *Id.* The steps which Secretary-General Boutros-Ghali suggests are necessary to establish peace are disarming both sides, restoring order, confiscating or destroying weapons, establishing a well-trained security force, reforming or strengthening government infrastructure, assuring political participation, protecting human rights, and repatriating refugees. *Id.*

77. Boutros-Ghali, *Peacekeeping*, *supra* note 1, at 120.

78. *Id.*

79. It is perhaps a legacy of imperialism and masculinism that white Western middle-class men believe they are entitled to "think the world without any preparation." GAYATRI SPIVAK, *OUTSIDE IN THE TEACHING MACHINE* 19 (1994). If we acknowledge the limits of our power to "know" the world, and recognize that we cannot know the world without any effort, we can begin to rethink learning and knowing as "collective enterprises." *Id.* The issue then becomes one of responsibility, in the sense of "proceeding from an awareness of the limits of one's power." *Id.* As Spivak notes, our knowledge of the world is always limited, if only because "one's own inclinations and capacities to learn enough take a larger sample." *Id.*

security interests. In the short term, it seems likely that the interests of different groups would be better represented by allowing the members of those groups to articulate, theorize, and politicize their own interests.

At the very least, international lawyers should begin to consider what kinds of structures and processes might better ensure that the interests of all groups within a state are taken into account when the decision to send troops or impose sanctions is made. Ideally, women should be represented on decisionmaking bodies such as the Security Council. Women who are likely to be affected by a particular decision should be consulted concerning their security needs in the process of deciding about necessary measures to be taken to maintain peace and security. Women must be involved in post-conflict peacebuilding, peace maintenance, and peace-making processes.

2. Accountability

The lack of accountability for the consequences of actions authorized by the Security Council is one of the most extraordinary features of the current collective security situation. That lack of accountability extends beyond the absence of institutional checks on the power of the Security Council⁸⁰ to a failure by many international legal scholars to call the Security Council to account for the oppressive and violent actions it authorizes.⁸¹ Perhaps most importantly, there are no mechanisms through which local peoples can be empowered to challenge actions which have adverse consequences for their own security or status. It seems almost unnecessary to add that this is not a situation which would be considered to confer legitimacy on those holding the power to govern were it to exist within a state. Yet the need to provide means of ensuring the accountability of the Security Council and of peacekeepers to the populations they are protecting is not mentioned in the recent literature on reforming the Council.

The current system could be improved in a number of ways. First, a new code of conduct for peacekeepers could be developed. Such a code would include clear guidelines on the conduct of U.N. personnel toward local people, particularly with respect to violence and sexual abuse. Second, donor countries could be required to give up disciplinary authority over their troops where serious breaches of such a code of conduct are alleged. Third, individuals should have access to a body which monitors

80. See generally Reisman, *supra* note 2.

81. But see MIDDLE EAST WATCH, *supra* note 2; Alston, *supra* note 2; Gardam, *supra* note 2; Gordon, *supra* note 2; Chris af Jochnik & Roger Normand, *The Legitimation of Violence: A Critical History of the Laws of War*, 35 HARV. INT'L L.J. 40 (1994); Provost, *supra* note 2; Richardson, *supra* note 2.

complaints of sexual abuse and assault by peacekeepers. Finally, and at the very least, such complaints should be included in reports to the Security Council.⁸²

It seems clear that attention must be given to addressing the lack of accountability that I have outlined. The consequences of Security Council actions documented by aid groups, activists, women's organizations, human rights NGOs, medical research teams, and U.N. study teams have included rape, starvation, torture, increased prostitution, and sexual exploitation of children. The findings point unequivocally to the need for the U.N. to take responsibility for the adverse effects of its actions. It is troubling that the U.N. and those nations providing troops have failed to investigate fully the widespread reports of the brutalization of local peoples, nor have they attempted to provide a systematic process by which such complaints can be heard.

II. UNACCOUNTABLE KNOWLEDGE PRACTICES

Perhaps the most subversive feminist intrusions into the field of international security are found in the contributions of those scholars who are developing new theories of security which challenge the dominant masculinist international law-and-order discourse. Feminists in many academic disciplines have begun to rebel against playing the role of "dutiful daughters of reformist goodwill."⁸³ Rather than simply conducting empirical research that attempts to document and "add on" women's experiences to the theoretical frameworks constructed by earlier (male) scholars, feminists have begun to challenge the theoretical frameworks themselves.

These feminists have been skeptical of "apparent generalisations regarding subjectivity which in fact tend to take men's experiences as human ones."⁸⁴ They have read "neutral" texts in ways which return to them their particularity; that is, by reading such texts as texts about men.

82. One possible model for such a body can be found in the recently established World Bank Inspection Panel. In 1993, Directors of the World Bank decided to establish an independent inspection panel that will have the power to investigate complaints received from private complainants who allege that they have been directly and adversely affected by the failure of the International Bank for Reconstruction and Development or the International Development Association (two members of the World Bank Group) to comply with their operational policies and procedures. For an analysis of the panel and its status as the "first forum in which private actors can hold an international organization directly accountable for the consequences of its failure to follow its own rules and procedures," see Daniel D. Bradlow, *International Organizations and Private Complaints: The Case of the World Bank Inspection Panel*, 34 VA. J. INT'L L. 553, 554 (1994).

83. ROSI BRAIDOTTI, *PATTERNS OF DISSONANCE* 209 (Elizabeth Guild trans., 1991).

84. ELIZABETH GROSZ, *VOLATILE BODIES* 103 (1994).

Read in this way, texts concerned with the Security Council can provide useful accounts of the ways in which security for particular groups is guaranteed. Elizabeth Grosz develops that methodology in these terms:

I have been concerned with the ways in which a corporal "universal" has in fact functioned as a veiled representation and projection of a masculine which takes itself as the unquestioned norm, the ideal representative without any idea of the violence that this representational positioning does to its others — women, the "disabled," cultural and racial minorities, different classes, homosexuals — who are reduced to the role of modifications or variations of the (implicitly white, male, youthful, heterosexual, middle-class) human body. I have attempted to read the male discourses dealt with here as discourses for and about men, discourses which have ignored or misunderstood the radical implications of insisting on sexual specificity, discourses which have presented their claims — radical as these might be — without any understanding of their relevance to or usefulness for women.⁸⁵

It is very important for feminist international lawyers to take this next step, and to read the discourse of security as a discourse "for and about men."⁸⁶ It is important to comment on the ways in which the interests of elite men are treated in these texts as "the unquestioned norm."⁸⁷ Without doing so, it could still be suggested that while the status or security of some women may be sacrificed as outlined in Part I in the short term, the interests of all people will be guaranteed by the collective security system in the long term. The argument for protecting the security of states in the name of peace is, after all, a powerful one; in the words of Louis Henkin, peace is the "paramount value" under the U.N. Charter, more important than progress and justice.⁸⁸ Change must "be achieved peacefully by international agreement."⁸⁹ The Charter reflects the commitment of member states to the goal of maintaining world order so that international society can concentrate on meeting better the needs of justice and human welfare.⁹⁰

The revitalization of the Security Council, and the ability of that body to respond to threats to international peace and security, has been

85. *Id.* at 188.

86. *Id.*

87. *Id.*

88. Henkin, *supra* note 57, at 38.

89. *Id.*

90. *Id.* at 38-39.

seen by many international lawyers as progress toward the goal of global security.⁹¹ In this Part, however, I will show that the current system of global security is based upon assumptions that do not address women's insecurity, and in fact contribute to it. It is not simply that the particular interests of special groups, such as women, are left out, but that what currently is presented as a theory of collective security continues merely to be a theory about securing the interests of collected elites. The accounts of collective security discussed below propose actions which, while taken in the name of global security and in the interests of a universal humanity, in fact operate to secure the interests and well-being of particular limited groups.

A. *Protecting the Security of States*

Many theories of collective security are based on the assumption that global security can best be guaranteed by protecting the *status quo*. As Rob Walker notes, while we need global security, we "have learned to think and act only in terms of the security of states."⁹² While the concepts of sovereignty and statehood are problematized in international relations, international law is still premised, largely uncritically, on the sovereign state system.⁹³ The representatives of states are the principal decisionmakers in the international arena, and questions of security revolve around the inviolability of state borders and decisions about national security interests. The centrality of sovereignty to any legal analysis of global security is seen as appropriate or, at least, inevitable.⁹⁴

The focus on state security is, however, problematic on a number of levels. First, feminists and political theorists have questioned the assumption that states represent a unified community and have argued that

91. See, e.g., sources cited *supra* note 2.

92. R.B.J. Walker, *Security, Sovereignty and the Challenge of World Politics*, 15 *ALTERNATIVES* 3 (1990).

93. As Spike Peterson notes, "[g]iven its definitive role in constituting the field of IR, the state was never so much out . . . as simply taken for granted by IR theorists." V. Spike Peterson, *Introduction*, in *GENDERED STATES*, *supra* note 5, at 2. The sovereign state continues to be taken for granted by international lawyers.

94. Richard Woolcott provides a representative example:

[N]ational interest and the defence of the integrity of the sovereign State remain the touchstones of relations between countries. States still give priority to their perceived economic, trade and security interests. Some States participate in what are called "good international citizen" activities but only to the extent that their national interests are served and not undermined by such activities.

Richard Woolcott, *The Perils of Freedom*, *WEEKEND AUSTRALIAN*, Apr. 22-23, 1995, at 24.

even democratic states fail to provide for meaningful representation of women and other marginalized groups.⁹⁵

Feminist theorists also question the defence of the *status quo* as a useful starting point for ensuring women's security. As Peterson notes, "[f]eminists are by definition and determination critical of status quo social relations and committed to political transformation"⁹⁶ From a feminist perspective, national security is "profoundly contradictory for women."⁹⁷ Indeed, the processes for creating a strong state militarily or economically — such as militarism, capital accumulation, patriotism, or nationalism — contribute to the material and ideological conditions which cause women's insecurity.

Many women in states around the world live in insecure conditions, whether physical safety, economic security, or health are considered as indicators. The assumption that protecting state security will result in more secure conditions for citizens fails to account adequately for the fact that many people live in conditions of insecurity within sovereign state borders. Indeed, it is the official discourses of security which contribute to these conditions of insecurity.

Traditionally, these issues have been kept out of international legal analysis because they are treated as domestic legal, political, and constitutional issues. That split serves to reinforce the illusion that negotiations between elites from different territorial regions is a legitimate way to make decisions about security and other international issues. While the question of legitimacy has emerged recently as an issue in international law, there is no acknowledgment at present of the critiques of Western democratic states, which are still treated in international legal texts as the pinnacle of democratic self-governance.⁹⁸

95. There is now a substantial body of critical feminist theory concerned with the problematic nature of the concepts of rights, democracy, citizenship and representation. *E.g.*, CAROLE PATEMAN, *THE SEXUAL CONTRACT* (1988); MARGARET THORNTON, *THE LIBERAL PROMISE* (1990); PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1993); IRIS M. YOUNG, *JUSTICE AND THE POLITICS OF DIFFERENCE* (1990); Anne Orford, *Liberty, Equality, Pornography: The Bodies of Women and Human Rights Discourse*, 3 *AUSTL. FEMINIST L.J.* 72 (1994); Chantal Mouffe, *Feminism, Citizenship, and Radical Democratic Politics*, in *FEMINISTS THEORIZE THE POLITICAL* 369 (Judith Butler & Joan W. Scott eds., 1992).

96. Peterson, *supra* note 93, at 20.

97. V. Spike Peterson, *Security and Sovereign States: What Is at Stake in Taking Feminism Seriously*, in *GENDERED STATES*, *supra* note 5, at 31, 32.

98. See Franck, *supra* note 57.

B. Representations of Internal Security and External Threats

A related assumption is that state borders exist to protect citizens from the disordered and chaotic world which exists outside those borders. Ann Tickner suggests that

[h]istorically, the identity of states has been closely tied to their role as national security providers. Given the assumption that threats are in the external realm, a sound national security policy demands that states try to increase their capabilities and enhance their power, the most important component of which is military power.⁹⁹

Today, the image of strong impermeable borders is presented in a nostalgic way in mainstream international relations and international law texts, where commentators talk of the new and frightening interdependence of global communities and the fact that we are all less secure because borders are now perceived as incapable of protecting us from unregulated flows of refugees, environmental degradation, or nuclear devastation.¹⁰⁰

Yet for many individuals, the model of safety and unity inside strong state borders, and anarchy and difference outside, has never represented reality. The dominant model distracts attention from the conditions of insecurity which define existence for many groups within Western states, including women, indigenous peoples, the mentally ill, gay men, lesbians, and ethnic, racial, or religious minorities. For the members of those groups, the existence of strong state borders simply does not come close to guaranteeing security, or even survival. In that sense, it could be said that many subjects of Western democracies have *always* been "beyond the sovereign state."¹⁰¹

More importantly for my analysis, the model itself is implicated in the form of creation of conditions of insecurity for women and other marginalized groups, both concretely and ideologically. The focus on creating a strong state, with increased military and economic power, contributes to the conditions which create women's insecurity in Western cultures, and masks the material and ideological conditions which should be addressed to guarantee women's security.¹⁰²

99. Tickner, *supra* note 28, at 125.

100. See, e.g., BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 5-7 (describing the changing context of collective security); EVANS, *supra* note 1, at 3-8 (describing international security problems after the Cold War); RENNER, *supra* note 1, at 7, 8; Urquhart, *supra* note 2, at 17.

101. Neil MacCormick has written that "beyond the sovereign state is where we are now." Neil MacCormick, *Beyond the Sovereign State*, 56 *MOD. L. REV.* 1, 18 (1993). I would suggest that for many people, beyond the sovereign state is where we already were.

102. See Spike Peterson's analysis of the way in which Western states "are implicated in the reproduction of hierarchies and in the structural violence against which they claim to offer protection." Peterson, *supra* note 97, at 51.

C. Representations of the Naturalness and Inevitability of State Power

An appeal to "nature" is commonly used as a justification for the existence or exercise of authority. The argument that a particular hierarchy or form of authority is natural is, of course, a powerful one, as it serves to make the *status quo* seem inevitable and the responsibility only of a disembodied and unaccountable "nature."¹⁰³

One familiar example of the way in which a representation of the "state of nature" operates to justify authority is found in Hobbes' *Leviathan*.¹⁰⁴ Hobbes argued that men will return to the "state of nature," a state of anarchy, death, and danger, unless they submit to a common power to which all are in awe. Hobbes' anarchic state of nature operates as "a sanction, a threat, a discourse of danger," which induces subjects to accept sovereign control in civil society.¹⁰⁵

Today, texts about security reveal the ongoing nature of the relationship between nature, danger, sovereignty, and security. The principal construction which underlies collective security theories is that the natural behavior of states is aggressive, self-interested, and competitive. Pragmatic international lawyers represent states as naturally ready to use military and economic force to increase power, territory, or influence unless they are constrained in some way.¹⁰⁶

That construction serves to make state aggression seem inevitable. As a result, the current system of collective security, although unrepresentative and dominated by elite powers, is legitimized. Attempts to develop more radical theories of security come up against these conservative, common sense accounts of the operation of economic and military power in international relations. The perceived need to take aggressive state power into account serves to limit proposals for reforming the Security Council, whether those proposals are concerned with making the Security Council more representative, increasing its effectiveness, or making it more accountable for its decisions. The common sense view is that the use of military and economic force by states in their own self-interest is both self-evident and inevitable.

103. See Runyan, *supra* note 5, at 137-38 (discussing the historical uses of "nature" as a symbol for the justification of political authority). For a wide-ranging analysis of "what may count as nature for late industrial century people," see DONNA HARAWAY, *PRIMATE VISIONS* 1 (1989).

104. THOMAS HOBBS, *LEVIATHAN* (C.B. Macpherson ed., 1968).

105. DAVID CAMPBELL, *WRITING SECURITY: UNITED STATES FOREIGN POLICY AND THE POLITICS OF IDENTITY* 64-65 (1992).

106. One international law text on the subject opens with the words: "Man's readiness to settle differences by force of arms has been a feature of society since prehistory. Man's attempt to place rational bounds on the use of force, emerging from his revulsion against the scourge of war, is almost as old." John T. Swing, *Foreword*, in HENKIN ET AL., *supra* note 1, at vii.

The link between security and power is also made in most proposals for reform of the Security Council. Michael Reisman, for example, argues that “[s]ecurity, in the final analysis, is not a verbal exercise but the exercise of power in defence of public order. Without power, security is a word. The design of a realistic international security system cannot ignore how power is actually distributed.”¹⁰⁷ Feminist analyses, on the other hand, question the naturalness of state power, both internal and external, by making visible the historical processes involved in the construction of that power, and the conditions necessary for reproducing that power. A focus on gender makes clear that existing power relations are not inevitable. In particular, from a feminist perspective, state power is not monolithic, but must constantly be produced and reproduced through complex appeals to patriotism, economic interests, and conceptions of masculinity and femininity. Only if such appeals are successful in controlling individual subjects, can states “naturally” exercise their military and economic power in aggressive external shows of force.

D. *Images of Crisis*

While images of the “anarchic society” have long haunted the imagination of international lawyers and political scientists, the picture of a disordered,¹⁰⁸ insecure,¹⁰⁹ unstable,¹¹⁰ anarchic,¹¹¹ and fragmented¹¹² world

107. Reisman, *supra* note 2, at 97.

108. See, e.g., EVANS, *supra* note 1, at 3 (“it seems the disappearance of the bipolar strategic balance was only a prelude to new kinds of turbulence and disorder”); Gaines, *supra* note 2, at 544, 552 (discussing the “competing forces of order and disorder,” and the need to “implement more fully the order-making tools at the disposal of the United Nations”); Neuhaus, *supra* note 2, at 253 (describing the “forces of disorder” in ascendance again since 1991); Woolcott, *supra* note 94, at 24 (“The indiscriminate application of the principle of self-determination to any disenfranchised ethnic or tribal minority is a recipe for further disorder.”).

109. See, e.g., BOUTROS-GHALI, AGENDA, *supra* note 1, at 5, 6 (“we have entered a time of global transition,” marked by a “new dimension of insecurity”).

110. Urquhart addresses this point:

The world is entering a period of great instability, characterised by long-standing international rivalries and resentments, intense ethnic and religious turmoil, a vast flow of arms and military technology, domestic disintegration, poverty and deep economic inequities, instantaneous communication throughout the world, population pressures, natural and ecological disasters, the scarcity of vital resources, and huge movements of population.

Urquhart, *supra* note 2, at 17

111. See, e.g., Neuhaus, *supra* note 2, at 256 (“It is our commitment, and that of other likeminded countries, of resources as well as rhetoric, which will decide whether international courts, international police, and international law bring international peace to the anarchic society.”).

112. See, e.g., RENNER, *supra* note 1, at 7 (“[T]he world is being torn by contradictory trends toward globalization and fragmentation.”); *id.* at 14 (“[T]he post-Cold War era is coming to be haunted by the specter of violent disintegration of states.”); Woolcott, *supra* note 94 (“the fragmentation of countries is potentially destructive. It threatens the more orderly, just and stable world Australia and the international community at large is seeking.”).

repeatedly appears in recent collective security texts as a symbol for the need to increase surveillance of "Third World" peoples and to justify intervention in "Third World" states. According to this story, the old order of stable, sovereign states, U.N. authority, and predictable patterns of Cold War brinkmanship is in crisis. Security Council actions are presented as a necessary and desirable means by which to manage and contain the crisis of disorder and fragmentation facing the world.¹¹³

Those international lawyers who represent the current period in world history as one of order threatened by chaos again represent only one perspective: that of those who had a stake in the old order. The story of ordered stability threatened by chaotic pre- or post-modern anarchy does not describe the experience of many groups. All those who have been excluded from full citizenship in Western democracies, for example, such as women, indigenous peoples, the mentally ill, or refugees, are not in the process of moving beyond the sovereign state, but were *already* beyond it, both materially and symbolically.¹¹⁴ The rational, ruthlessly ordered world of sovereign states had no place for those portrayed as unruly, disordered, subversive, primitive, or irrational.¹¹⁵

The experience of moving "beyond" sovereignty and world order also fails to take account of the inhabitants of the South, who have yet to benefit from the security, well-being, and self-determination promised by Enlightenment doctrines. If anything, the crisis of Western authority has meant that, perhaps for the first time in history, middle-class white Western heterosexual men are beginning to experience the world in the way that other, less privileged groups have experienced modernity all along — as violent, chaotic, fragmented, and dangerous.¹¹⁶

International lawyers also present a limited perspective by choosing to see the changes of the current era as threatening rather than as pro-

113. Each of the texts referred to in footnotes 108 through 112 proposes an increase in the power of the Security Council as the way to contain the current global crisis of disorder.

114. In a material sense, for example, many people within my own country, such as Aboriginal people, refugees, or the mentally ill, continue to occupy a shadowy land outside the full entitlements of citizenship. In terms of representational practices, women, indigenous peoples, and other marginalized groups have also suffered through being represented as something Other to the neutral individual of liberal discourses of citizenship. For a further discussion of citizenship and sovereignty as discourses about identity and exclusion, see Anne Orford, *Citizenship, Sovereignty and Globalisation: Teaching International Law in the Post-Soviet Era*, LEGAL EDUC. REV. (forthcoming 1996).

115. For a further development of this argument in the context of Western liberal democracies, see Orford, *supra* note 95; Runyan, *supra* note 5.

116. bell hooks has suggested that "[t]he overall impact of postmodernism is that many other groups now share with black folks a deep alienation, despair, uncertainty, loss of a sense of grounding even if it is not informed by shared circumstances." BELL HOOKS, *YEARNING: RACE, GENDER AND CULTURAL POLITICS* 27 (1990).

ductive. The fact that old systems or mechanisms — such as the old world order — are in disarray is “a catastrophe *only to the old system*.”¹¹⁷ For those of us who do not wish, or are unable, to occupy the place of the sovereign authority of modernity, the new politics emerging from the chaos of the postmodern era offers the potential for emancipation and for the finding of voice.¹¹⁸ That which those in power perceive as “chaos” may thus offer the potential for emancipation. For many, chaos or catastrophe in fact enables “growth, opportunity, breaking the boundaries of a false closure.”¹¹⁹

It is important to challenge the assumption that we are witnessing a global transition from order to chaos for two reasons. First, to represent changes in our understanding of community, identity, and authority as necessarily threatening and chaotic is to prefigure the use of high-violence options to manage that chaos. In the post-Soviet era, international lawyers use images of chaos and catastrophe to signify only threats, such as ecological destruction,¹²⁰ ethnic violence,¹²¹ religious “turmoil,”¹²² or refugee flows.¹²³ That discourse of fear “legitimizes increased ‘security’ and control, reselling closure as safety against disaster.”¹²⁴ Images of chaos are used to legitimize coercive military action and economic sanctions in the name of efficient, humanitarian world order. In that way, simplistic military or economic solutions to complex problems, are made possible.¹²⁵ The current focus on surveillance, early warning systems, mediation, and peacebuilding responses and strategies represents a failure to take account of the causes of violence and dissent in the South.¹²⁶ International security

117. Fiona Mackie, *Chaos*, ARENA MAG., Oct.–Nov. 1994, at 41, 42 (emphasis added).

118. ANNA YEATMAN, *POSTMODERN REVISIONINGS OF THE POLITICAL* 17 (1994). Recent scientific theories also argue that the potential for growth and change is inherent in the state of chaos. Chaos theory suggests that “order, equilibrium are the rarity and chaos, catastrophe the more generalizable state. . . . the very stuff of living and inert systems; their becoming, growth, evolution toward increasing complexity.” Mackie, *supra* note 117, at 41–42.

119. Mackie, *supra* note 117, at 42.

120. See, e.g., BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 7; Urquhart, *supra* note 2, at 17.

121. See *infra* part II.E.

122. See, e.g., BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 6 (“religious, social, cultural or linguistic strife”); Urquhart, *supra* note 2, at 17 (“intense ethnic and religious turmoil”).

123. See BOUTROS-GHALI, *AGENDA*, *supra* note 1, at 7; EVANS, *supra* note 1, at 3–16 (discussing, *inter alia*, “unrestrained population growth,” “large-scale refugee flows” and “unregulated population flows” as threats to security); UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, *THE STATE OF THE WORLD’S REFUGEES* 22, 29 (1993) (labelling refugee flows as “significant threats to peace and security”) [hereinafter UNHCR].

124. Mackie, *supra* note 117, at 42.

125. ROSI BRAIDOTTI ET AL., *WOMEN, THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: TOWARDS A THEORETICAL SYNTHESIS* 25 (1994).

126. See sources cited *supra* notes 52–53.

experts individualize and pathologize security problems in the "Third World" and fail to acknowledge that those problems may represent the exhaustion of consent of dispossessed peoples to economic policies which ensure a ready supply of cheap labor and resources for Northern corporations and consumers. By professing nostalgia for the ordered times of the Cold War, international lawyers help pave the way for new and punitive methods of ordering and disciplining marginalized people.

Second, the suggestion that every human being experiences postmodernity in the same way, as a period of transition from security and order to danger and chaos, repeats the violence of assuming that the experience of elite white men is universal. Without listening to the stories of other groups, the desire of white men to "manage" this perceived crisis, and to attempt to recreate a fictitious unity, may prove overwhelming and dangerous to all those who are outside the white man's fantasy. The panic that is inspired by the sense that we are suddenly vulnerable to new threats could be curtailed if international lawyers ceased privileging the "crisis" of masculinist authority. Instead, international lawyers could move toward a more optimistic reading of postmodern international relations by listening to those who see this historical moment as potentially productive. The strategies of those groups may well be more survivable than the desire of white men to recreate a fictitious unity.

E. *Violence and Difference*

Collective security discourse relies on a series of assumptions about the relationship between violence and difference. Many international texts concerning security operate to link ethnicity, self-proclaimed difference, violence, and armed conflict; all presented as a danger to modernity with the ending of the Cold War.¹²⁷ Violence is presented as

127. See, e.g.,

If the Cold-War era was dominated by ideological conflict, the fear is widespread that the 1990s may be the start of a new era of ethnic violence that will uproot additional millions of people from their homes. . . . Supposedly ancient hatreds, to which many people attribute the savagery of ethnic conflicts, can be reinvented, revived or kept from dying a natural death by opportunists who see in them a vehicle for personal or political profit.

UNHCR, *supra* note 123, at 22. See also BOUTROS-GHALI, AGENDA, *supra* note 1, at 6 (arguing that while associations of states are finding ways to deepen cooperation, "fierce new assertions of nationalism and sovereignty spring up, and the cohesion of States is threatened by brutal ethnic, religious, social, cultural or linguistic strife"); EVANS, *supra* note 1, at 7 (discussing the "increasingly strident voicing of competitive ethno-nationalist grievances and aspirations" as a threat to security); RENNERT, *supra* note 1, at 6 ("long-suppressed ethnic antagonisms, suddenly unleashed, are threatening the violent disintegration of states"); *id.* at 14 ("the post-Cold War era is coming to be haunted by the specter of violent disintegration of states"); Gaines, *supra* note 2, at 543 (arguing that with the end of the Cold War, "[o]ld alliances have broken,

the inevitable partner of any attempt to assert difference within sovereign state boundaries.¹²⁸

The stories of international lawyers play a part in constructing our knowledge about the dangerousness of groups who assert their difference within, or against, any unified sovereign state. The repeated representation of difference and identity politics as violent and divisive has implications both domestically and internationally.

First, the linking of difference and violence operates to discipline citizens of Western democracies by suggesting to us that we should fear and repress any attempts to unsettle the unity of our sovereign state.¹²⁹ Telling stories about violence and Otherness enables us to "privilege[] their presumed coherences within . . ." ¹³⁰ The equation of any self-proclaimed difference with violence operates to constrain liberatory movements operating within Western democracies, such as the women's movement or civil rights movements. Internal claims for self-determination, claims that inhabitants of a state may owe loyalty to groups within the state, or even the simple claim that one's political identity may not be first and foremost as "citizen," are rendered suspect. The linking of self-proclaimed difference and self-sufficiency with violence and totalitarianism serves to make domestic political struggles for recognition more difficult, and the desire for self-determination almost unspeakable. Within the context created by such representations, "multicultural difference becomes synonymous with violence . . ." ¹³¹ As a consequence,

sovereign countries have split apart, and ethnic tensions have inflamed"); Urquhart, *supra* note 2, at 17; Woolcott, *supra* note 94 ("More than a third of the 185 member-States of the United Nations are threatened by rebel movements, dissident ethnic groups, religious fundamentalism, terrorism, cults or governments in exile.").

128. Woolcott, *supra* note 94, at 24 ("In present circumstances, countries, especially developing ones, will strongly resist fragmentation and the efforts of minorities to break away. . . . Attempted fragmentation has often led to civil war and occasionally to external intervention which has usually resulted in bloodshed and the diversion of human and financial resources.").

129. For example, Woolcott states:

How can the issue of self-determination and possible fragmentation affect Australia? . . . If we accept that a particular social or ethnic group with its own traditions has a right to self-determination, then it could also be argued that the Aboriginal and Torres Strait Islander communities, particularly the latter, have this right There is also a danger in a multicultural society that the tolerance and cooperation needed to maintain social stability could be disrupted if external ethnic or political feuds are transplanted to these shores by groups who have found new homes here.

Woolcott, *supra* note 94, at 24.

130. R.B.J. Walker, *From International Relations to World Politics, in THE STATE IN TRANSITION*, *supra* note 28, at 21, 35.

131. Suvendrini Perera & Joseph Pugliese, *Subject Positions*, *ARENA MAG.*, Aug.-Sept. 1994, at 38, 39.

the "fearful spectre of violent fragmentation" haunts any debate about cultural difference.¹³²

These representations also operate to manufacture our consent to the use of force against the inhabitants of the South.¹³³ If ethnic violence and postmodern tribalism are understood as major threats to peace and security, it makes sense to use military force to bring democracy, order, and human rights to the people of the South, even if some of them die or suffer harm in the process. Collective security texts create a context of fear of disorder, difference, and tribalism, in which increased military and economic intervention in the affairs of developing states is legitimized to create a ruthlessly "ordered" world.

The focus on self-proclaimed difference and ethnic violence as major threats to security, and the causes of political unrest in the South, operates to depoliticize global networks of exploitation and oppression. There is little reference in most security texts to the interest that investors have in ensuring secure and stable environments,¹³⁴ to the relationship between the political crises in the South over the last decade and the new flexibility of "transnational capital,"¹³⁵ to structural adjustment riots, or to the U.S. funding of non-democratic but pro-foreign investment regimes.¹³⁶ Instead, we tell each other that military and economic coercion is in the interests of the inhabitants of the South, and for the greater good of securing world order. The consequences of the idea that military intervention in the South is conducted in the interests of world order resemble the consequences of the belief in a "civilizing mission" in the era of classical colonialism. As Said argues, "[t]he power to conquer territory is only in part a matter of

132. *Id.* at 39.

133. For further development of the argument that the media and academics play a role in the manufacturing of the consent of the citizens of Western democracies to oppressive actions taken in the name of their state, see EDWARD S. HERMAN & NOAM CHOMSKY, *MANUFACTURING CONSENT* (1988); SAID, *supra* note 32.

134. One exception is Gaines:

A financially stable, effective U.N. regime is needed, one that can keep the peace in a global marketplace where stability would lead to increased economic growth. . . . Capitalism, and the creation of market forces through technology and transportation, have created a situation that is dependent on peace and stability.

Gaines, *supra* note 2, at 568 (footnotes omitted).

135. Analyses linking political crises in the South with the revolution in capital markets include ENLOE, *supra* note 4, at 102-18, 136-41; SUSAN GEORGE & FABRIZIO SABELLI, *FAITH AND CREDIT: THE WORLD BANK'S SECULAR EMPIRE* (1994); CHAKRAVARTHI RAGHAVAN, *RECOLONIZATION: GATT, THE URUGUAY ROUND & THE THIRD WORLD* (1990); SPIVAK, *supra* note 79; Patricia Stamp, *Foucault and the New Imperial Order*, 3 *ARENA J.* 11 (1994); Ted Wheelwright, *Futures, Markets*, *ARENA MAG.*, Feb.-Mar. 1994, at 24.

136. For critiques of the use of U.S. military force in the interests of U.S. capital, see CHOMSKY, *supra* note 24; SAID, *supra* note 32.

physical force: there is the strong moral and intellectual component making the conquest itself secondary to an idea. . . ."¹³⁷ Through the idea that Security Council actions protect the world from the threat of ethnic violence, fragmentation, and tribalism, new forms of coercion and exploitation are made palatable to many citizens of the North.

These representations also serve to bolster faith in the unitary, Western democratic state in the face of unprecedented challenges to its claim to "resolve the relation between unity and diversity"¹³⁸ The West is fascinated with the consequences of the disintegration of the former Yugoslavia, for example, partly because it reinforces the idea that the West is free from such violence and difference, at a time when Western democracy shows increasing signs of decay and corruption.¹³⁹ By focusing on "ethnic nationalism" or "tribalism" as a cause of conflict, international lawyers are able to produce an outside to the ordered world of modernity. As Anthony Elliott argues, Western institutional agencies have been able to interpret the Bosnian conflict "as something Other to the democratic principles of the developed capitalist order."¹⁴⁰

Feminist theory offers alternatives to the evil twins of democratic unity and separatist violence. Anne Runyan has argued that rather than "replicating yet again the modern state's repeated attempts to submerge that otherness, that particularity, that dissent, by mastery or assimilation in the name of unity and harmony," a more just politics must be based on tolerance for difference and dissent.¹⁴¹ Feminist theory is a rich source of alternative visions in the quest to construct and enact difference and multiplicity as positive values, rather than as justifications for oppression and violence. Feminist theorists such as Donna Haraway and Rosi Braidotti are also engaged in a risky and generous search for a redefinition of the community bond.¹⁴² International lawyers need to rethink sovereignty, political identity, and security in ways that draw on feminist attempts to value difference while redefining community.

F. *Situating Knowledge About Collective Security*

The stories told by experts about collective security offer citizens of the North "a self-forgetting delight in the use of power – the power to

137. EDWARD SAID, *THE QUESTION OF PALESTINE* 77 (1992).

138. R.B.J Walker, *supra* note 130, at 35.

139. SLAVOJ ŽIŽEK, *TARRYING WITH THE NEGATIVE* 200 (1993).

140. Anthony M. Elliott, *Symptoms of Globalization: Or, Mapping Reflexivity in the Postmodern Age*, in *THE STATE IN TRANSITION*, *supra* note 28, at 157, 167.

141. Runyan, *supra* note 5, at 136.

142. See BRAIDOTTI, *supra* note 83, at 274–84; DONNA HARAWAY, *SIMIANS, CYBORGS, AND WOMEN: THE REINVENTION OF NATURE* 161 (1991).

observe, rule, hold, and profit from distant territories and people.”¹⁴³ In particular, as international lawyers, we are offered the roles of experts and managers of global “development,” we make policy about security, we “know” about distant people, we enjoy local spectacles about distant territories. Through that process, we risk forgetting our selves, forgetting the power through which we are produced as global experts, bureaucrats and managers.

Despite frequent references to global security, to humanity, and to universal values and truths, Northern international lawyers are not yet engaged in cooperation or dialogue with those we claim to be securing or protecting. Many international lawyers writing about collective security continue to tell each other about “them,” without stopping to listen to what “they” have to say about “their” security interests. Perhaps much of international law is better understood as gossip, rather than as a conversation or dialogue. Writing about anthropology as a “nativist discourse,” Trinh T. Minh-ha has said:

Anthropology is finally better defined as “gossip” (we speak together about others) than as “conversation” (we discuss a question) Scientific gossip takes place under relatively intimate conditions and mostly without witnesses; hence the gossipers’ need to act in solidarity, leaning on and referring to each other for more credibility. . . . This is how gossip manages to mingle with science, and, reciprocally, “when knowledge, when science speaks, I sometimes come to the point of hearing its discourse as the sound of a gossip which describes and disparages lightly, coldly, and objectively what I love: which speaks of what I love: which speaks of what I love *according to truth*.” Gossip’s pretensions to truth remain however very peculiar. The kind of truth it claims to disclose is a confidential truth that requires commitment from both the speaker and the listener. He who lends an ear to gossip already accepts either sympathizing with or being an accomplice of the gossiper.¹⁴⁴

Many security theorists invite us to lend an ear to gossip. Scholarship about collective security provides evidence of a “broken dialogue” between North and South.¹⁴⁵ The stories of gossips may be useful, they may even be true, but telling these stories in this way preempts and

143. SAID, *supra* note 32, at 158.

144. TRINH T. MINH-HA, *WOMAN, NATIVE, OTHER: WRITING POSTCOLONIALITY AND FEMINISM* 68 (1989) (footnotes omitted).

145. Michel Foucault argues that there is today a broken dialogue between the man of madness and the man of reason. The constitution of madness as a mental illness at the end of the eighteenth century marks for Foucault the end of a common language, “affords the evidence of a broken dialogue . . . and thrusts into oblivion all those stammered, imperfect words without fixed syntax in which the exchange between madness and reason was made.” MICHEL FOUCAULT, *MADNESS AND CIVILIZATION* x (1988).

forecloses the telling of more optimistic and ethical stories. It is important that international lawyers ensure collective security discourse develops as a democratic and participatory dialogue, rather than as gossip.

Feminist theorists provide useful strategies for developing alliances and strengthening networks of solidarity in ways that acknowledge the particularity of ways of knowing. Indeed, "self-conscious reflection" on engagement with the social is a major feature of feminist theories.¹⁴⁶ The commitment to situated, accountable knowledge practices is the difference that feminism makes. Many feminist theorists have refused the notion of one right access to truth, knowledge, and progress.¹⁴⁷ Donna Haraway, in particular, usefully contests the notion of objectivity which structures Western knowledge practices. She critiques the illusion or "god-trick" of "infinite vision" involved in the doctrine of objectivity, describing it as a "false vision promising transcendence of all limits and all responsibility."¹⁴⁸ Haraway does not, however, seek to reject altogether the doctrine of objectivity, in a slide into relativism. Instead, she seeks to reconceptualize feminist objectivity as a function of situatedness or partiality.

Haraway's reconceptualization focuses on partial perspectives and situated knowledges as the conditions for objectivity. Her argument is that "objectivity is not about transcendence, but about accepting the local nature of all standpoints, therefore recognising the priority of partial perspectives over global theorizations."¹⁴⁹ Haraway argues that we need to take responsibility "for what we learn how to see."¹⁵⁰ All vision and knowledge is situated, and to be situated implies responsibility. Haraway makes it "impossible for synthetic global theories to reappear in feminism,"¹⁵¹ or in international law. Rather, her approach enables new forms of connection and community. "We do not seek partiality for its own sake, but for the sake of the connections and unexpected openings situated knowledges make possible. The only way to find a larger vision is to be somewhere in particular."¹⁵² As international lawyers writing in the area of collective security, we must find ways to situate ourselves and to enter into dialogue with those situated differently, if we want to

146. Teresa de Lauretis, *Upping the Anti (sic) in Feminist Theory*, in *THE CULTURAL STUDIES READER* 74, 85 (Simon During ed., 1993).

147. BRAIDOTTI, *supra* note 83, at 266.

148. HARAWAY, *supra* note 142, at 190.

149. *Id.*

150. *Id.*

151. BRAIDOTTI, *supra* note 83, at 271.

152. HARAWAY, *supra* note 142, at 196.

develop more ethical, accountable, and, ultimately, survivable knowledge practices.

CONCLUSION

Throughout this article, I have argued that current theories of collective security take the interests of elite men as the unquestioned norm. We need now to begin to develop a collective security system which takes into account a broader range of interests than those currently represented by the Security Council. I suggested, in Part I, that we could start by paying attention to the impact that Security Council actions have on other groups, particularly women.

This article has also drawn on work from both within and outside the boundaries of international law to unsettle assumptions about sovereignty, nature, chaos, difference, and power which underlie collective security scholarship. I hope, in doing so, to have initiated a more inclusive debate about the necessary conditions for achieving survivable communities, one that takes into account the interests of women. Mainstream international lawyers should recognize that there is something to be learnt from feminist scholars. This article is in part a call for a new commitment to dialogue among scholars in the disciplines of international law and international relations:

The time has come . . . for those who purport to update a field to do some serious home-work in feminist theory instead of deferring this task to some future time. To defer is to take refuge in a nostalgia that upholds the words of "men" and relegates the words of "women" to the after hours of academic work, to a hobby one never gets to. It will no longer do to say that one is not adequately acquainted with feminist scholarship. The literature is there to be read like every other strand of IR thinking, and it is unprofessional to think that one need not read it to do good research. The time has come to recognise "women" and feminists by naming us rather than by winking at us as we walk by.¹⁵³

It is necessary for international lawyers writing about security to acknowledge the complexity of issues of representation and identity, and to take responsibility for the knowledge we produce and the stories we tell. More particularly, we need to be skeptical of appeals to the fear of particularity and chaos, and interrogate the dominant stories that equate self-proclaimed difference with violence and division. The emphasis

153. CHRISTINE SYLVESTER, *FEMINIST THEORY AND INTERNATIONAL RELATIONS IN A POSTMODERN ERA* 211 (1994).

which feminist theorists place on difference, far from being anarchical or nihilistic, lays new ground for negotiating interconnections and alliances among differently situated individuals.

In short, progressive international lawyers need to have the flexibility both to work within existing structures and processes of international law, while at the same time acting to disturb the categories and assumptions that support the existence of those structures and processes. I believe that those who are positioned to find voice in the postmodern moment are well placed to do just that.