

Double Bind: Peace, Justice and the problem of Sexual Violence in Conflict

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There are few theoretical and empirical resources to explain how amnesty provisions in peace agreements relate to levels of sexual violence in war-torn societies; or whether or not prosecution has value for peace. Third-party negotiators have believed that parties that have committed mass atrocities, including sexual violence, are unlikely to cooperate with peaceful settlement if faced with investigation or punishment. Amnesty provisions in peace agreements are associated with peace in the immediate aftermath of armed violence.

Yet, United Nations (UN) Security Council resolutions have called for the investigation and punishment of perpetrators during peace processes – a normative exercise which is motivated by the need to hold armed groups accountable in contemporary cases such as the conflict in the Democratic Republic of Congo (DRC). Peace settlements over the last twenty years however have, in the main, ignored the specific problem of sexual violence. More often, violators have been held accountable during post-conflict periods through international tribunals, truth and reconciliation processes and national human rights commissions. Also, sexual violence is a complicated ‘practice’. Armed groups perpetuate widespread sexual violence due to a number of factors, including their grievances, recruitment patterns and internal command and control.

The paper identifies important cases where peace agreements have taken place in the context of widespread, systematic sexual violence. It assesses the way that sexual violence is punished or forgiven during the ‘peace process dynamic’. The paper contributes to the debates on impunity/accountability and sexual violence by critiquing the problematique as a double bind. First, efforts to exclude perpetrators of sexual violence from negotiations holds little value for ending impunity, while threatening to undermine peace processes. Second, peace is diluted by including perpetrators in negotiations, power-sharing or peacebuilding. This double bind points to the need for a framework for future research and policy action. The paper thus concludes by discussing seven elements - characteristics of organised armed groups; the use of sexual violence in conflicts; peace process dynamics; amnesty regimes; reconciliation and justice mechanisms; gender and conflict-related personal security; and peace process dynamic outcomes – in order to develop a conceptual framework that will draw out the factors leading to a credible reduction of sexual violence as well as durable, inclusive peace.