GR2P Special Issue: The Responsibility to Protect and Sexual and Gender Based violence (SGBV)

Introduction

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Around 5:30 am in Kinyinya-Simana, in the Mubone zone, Commune Kabezi, a mobile battalion besieged the hills of Kinyinya and Kimana. The population of the immediate and surrounding areas fled to Ruziba and seven people fell into the 'claws' of these soldiers who killed them in an atrocious manner. A 15 year old girl, named K.M., and a school girl in Year 6, was one of those killed. Before being killed, she was raped by a group of soldiers who after this first trial, pulled apart her legs and lashed them to separate bushes, inserting pieces of wood into her vagina. She died of haemorrhage.

— Burundi, 24 May 2004

How often have we read such tragic stories as the above and regarded them as the inevitable consequences of war – an atrocious abuse of vulnerable citizens and illustration of the madness that descends when there is unbridled lawlessness. In this special issue of GR2P, we propose that all of this is true, but the story above must also be viewed as clear breach of international peace and security (IPS). When this targeted mass rape took place in Mumbone, Burundi on 24 May 2004, it was one of a number that enabled repeat patterns of violence and forced displacement, which rippled from and into the Democratic Republic of Congo and continues to undermine

peace in the region to this day. Widespread and systematic sexual and gender based violence (SGBV) constitutes crimes against humanity and war crimes, two of the four crimes listed in the Responsibility to Protect (R2P) principle. As such it falls under the direct mandate of the United Nations Security Council (UNSC). The responsibility to protect those at risk of SGBV is not just part of a wider protection agenda – it is fundamental for every state as part of their R2P obligation. Yet, in the academic literature and at the policy level, there remain a variety of views concerning the utility and necessity to view and promote SGBV as a matter of IPS. In particular the views vary as to whether there is anything to be gained for the Women, Peace and Security (WPS) agenda or for the R2P principle by advancing SGBV in the UNSC as part of a coordinated strategy.

As the articles in this issue recount, there have been concerted legal and political efforts to identify SGBV as a crime that is of international significance. As a crime against humanity and a war crime, SGBV fits the R2P agenda very neatly. But for both WPS and R2P, their success has been precariously won. Both have struggled at times to retain their legitimate status on the UNSC agenda, and thus both have had to manage an uneasy balance between demanding real reform and progress while at the same time not demanding too much of a Council that could declare by one veto that neither agenda is of concern to international peace and security. As unlikely as this may be now, we will see in the articles that follow, this was not a given fact in the early years for either agenda. Thus, it is perhaps natural and inevitable that the promoters of R2P and WPS have sought to achieve their gains separately. But, is this strategy still useful for either agenda? This is the question that dominates the discussion in this special issue. The articles all question, from various perspectives, whether R2P and WPS should align their prevention and protection agendas for SGBV and consider what are the potential losses and gains from seeking this agenda as a united front.

This special issue was inspired largely by the Jennifer Bond and Laurel Sherret paper in 2006, Bringing Gender Vision to the Responsibility to Protect Framework. This report was a landmark piece that articulated, for the first time, a gendered vision of R2P. What was perhaps most disconcerting was that it took this long for such a piece to be written. Bond and Sherret noted the absence of a gendered perspective during the entire discussion of the R2P framework – from ICISS in 2001 up to and including the 2005 World Summit Document outcome document. Their second argument was that