Why social ecologies matter: thinking about conflict-related sexual violence and transitional justice through a resilience lens'

Day 1: Wednesday, 22 June 2022

Keynote Address: **Multisystemic Resilience in the Context of Community Violence**
Professor Michael Ungar, Dalhousie University, Canada

While earlier definitions of resilience emphasised individual traits and the invulnerability of those who coped well with adversity, resilience is now understood as a process, shifting the focus from personal responsibility for change to the interactions between people and their social, built, and natural environments. How systems function, including those concerned with governance, education, health, human rights and law, influence the ability of populations to survive and thrive in contexts where there has been exposure to extreme forms of marginalisation (e.g., racism, homophobia, poverty) or social disruption (e.g., civil war, genocide). In this context, resilience requires the engagement of many different systems to create the social, built and natural capital necessary to cope well during times of crisis. The science of resilience helps explain how systems work effectively together to create the dynamic feedback loops that trigger each system's success or undermine the ability of co-occurring systems to function at all. This presentation will explore the factors that are both common and unique to different systems which make resilience more likely to occur. Moving from theory to practice, it will explore how individuals, families, and governments can work together to create opportunities for people to navigate their way to the resources they need for well-being, while making those resources available in ways that people experience as meaningful. Dr. Ungar will end with ideas for how communities can make resilience-promoting resources more available and accessible to everyone, celebrating a community's collective capacity to cope.

Panel 1
Theme: What do we mean by resilience? The importance of social ecologies

The biopsychosocial-ecological enablers of youth resilience in the context of South Africa
Professor Linda Theron, University of Pretoria, South Africa

Young people's biological and psychological ruggedness matter for their capacity to respond adaptively to shocks and stressors. What matters as much, or even more, is the availability of contextually congruent resources in the social, institutional, and physical environment systems that young people are connected to. These resources co-facilitate youth resilience. To explain this understanding of resilience, I draw on my ongoing work with African young people living in structurally disadvantaged communities in South Africa. I use their stories to animate appreciation for how situational and cultural context shape which resources matter more and the form they take. Simultaneously, their stories nudge attention to how social ecological dynamics, both historic and current, rouse resistance as a form of adaptive responsiveness.

Breaking resilience from neoliberalism

Professor Jonathan Joseph, University of Bristol, UK

I have previously noted how the dominant form of resilience is a neoliberal one. To qualify this, I shall say that this is the dominant form of resilience being promoted by various governments and international organisations. I attribute this to the idea of resilience as a form of governance where it is shaped by neoliberal techniques of governance as described by Foucault as governmentality or 'governing from a distance'.

However, this individualised means of responsibilising populations is not the only possible way of understanding resilience and I have noted 'varieties of resilience' even across different governments and organisations.

Is it possible therefore to move further away from this Anglo-Saxon model of resilience? In particular this would require a bottom-up, community- based approach to resilience rather than a top-down devolution of responsibilities. The aims of this workshop in exploring this shift away from a person-centred, psychology-based approach to resilience offers an opportunity to re-examine some of the possibilities of resilience.

Humanities for Resilience Network - Understanding the cultural production of resilience in marginalised communities

Dr Katherine Brown, University of Birmingham, UK

The presentation reflects on the work of the Humanities For Resilience Network. The Network was funded by the Arts and Humanities Research Council and the Global Challenges Research Fund. Their funding, and the support of the University of Birmingham, allowed for four workshops, ongoing interaction and networking through a website and blog, and the extended PhD research activities of Shannon Oates. The network engaged activists, artists, comedians, musicians, dancers, academics, ‘culinary diplomats’, health workers, refugees, and others, across four continents to reflect on the contributions of the arts and humanities to individual and community resilience among marginalised communities. We particularly focused on marginalised communities in Lebanon, Zambia, and Thailand – namely street children, individuals with HIV, refugees, religious minorities, and sex workers. In the network we have explored different ways of engaging with and thinking about resilience, and the meaning it holds to those living on the margins. This paper presents the ideas developed from the network about how resilient ‘ways of living’ are formed from everyday, informal, and sometimes illegal, bottom-up forms of cultural expression and from grass roots mobilisation. This has led to a theorisation of resilience as transcending the preservation of biological life, and thinking past state-centric ideas of community and individual resilience which have securitised and 'responsibilised' those already marginalised. Instead we offer an understanding of resilience based on the experiences, interactions, moves and actions that create 'humanity' and 'humanities' in diverse and complex social worlds.

Intersectionality of resilience: a strengths-based approach with indigenous youth in an urban Canadian context

Kelley Bird-Naytowhow and Professor Andrew R. Hatala, University of Manitoba, Canada

By bringing together two important areas of contemporary health research—resilience among Indigenous youth and intersectionality theory—we will explore an *intersectionality of resilience* framework that exposes intersecting forms of oppression within inner city urban

contexts, while also critically reframing intersectionality to include strength-based perspectives of overlapping individual, social, and structural resilience-promoting processes. Drawing on Indigenous methodologies and a "two-eyed seeing" approach, involving multiple data sources (i.e., four sharing circles, 38 conversational interviews, four rounds of photovoice, and naturalistic interactions that occurred with 28 youth over an entire year), we outline four intersecting processes that facilitate youth resilience and wellness in various ways: (a) strengthening cultural identity, ceremony, and family connections; (b) engagement in social groups and service to self and community; (c) practices of the arts and a positive outlook; and (d) connecting with land and "land-making" within urban contexts. In the end, implications for research, clinical practice, and health or community interventions are also discussed.

Panel 2

Theme: Does resilience have a place in discussions about conflict-related sexual violence? Reflections from scholars working in the field

What's love got to do with it? Connecting love, care, resilience and remaking worlds in the wake of conflict-related sexual violence

Dr Philipp Schulz, University of Bremen, Germany

Scholarly narratives about armed conflicts and political violence are, almost by definition, typically characterized by an almost exclusive focus on suffering, cruelty and harm. Yet, in the midst and wake of violence, people also fall in love, forge social and intimate relationships, and extend different forms of care to one another. For reasons linked to epistemological hierarchies that privilege certain topics when it comes to researching violence, however, these narratives and experiences remain omitted from scholarly analyses. In this paper, I will explore how love and care as processes and practices shape how individuals and communities affected by conflict – and specifically survivors of conflict-related sexual violence – survive and make sense of violence, as well as imagine and enact lives in its wake. I argue that loving and caring practices and relations constitute a significant vector of how people remake worlds in the wake of violence, how they navigate social ecologies of resilience and how they facilitate peace. I specifically explore these dynamics in relation to male survivors of conflict-related sexual violence in Northern Uganda and demonstrate how survivors engage in different forms of loving and caring relations and communities, which in turn helps survivors to make sense of and respond to their experiences of violence. Taking love and care seriously, as this paper does, thereby reorients scholarly attention away from an individualistic and neo-liberal understanding of peace and violence and towards a more relational and social understanding of harm, survival, and resilience.

Honoring Spiritual Protocol in conflict-related sexual violence

Professor Pascha Bueno-Hansen, University of Delaware, USA

Socio-ecological approaches to resilience that focus on the quality of relationships between individuals, families, communities and ecosystems, hold great promise for centering conflict related sexual violence suvivors' ways of knowing, as well as decolonializing the field of transitional justice. A reflection on the preparation of a potentially emblematic case of sexual violence perpetrated by a military officer against a Wiwa girl in La Sierra de Santa Marta, Colombia offers rich context to explore the promise of socio-ecological approaches to

resilience. This case opens onto the critical contribution of non-binary, multi-scale and Indigenous based ways of knowing, in other words cosmo-ontological reference points. Such a spiritually informed approach highlights the co-relationality between harm to the land and harm to the body and the imperative to honor and prioritize spiritual protocol in the juridical process. Furthermore, the case demonstrates the critical role of internationalist, activist, academic, and spiritual solidarity. The Colombian Truth Commission's final report chapter on testimony will offer precedent setting advances in socio-ecological approaches to transitional justice, with the visionary leadership of commissioner Alejandro Castillejo. Lastly, the contribution of resilience to transitional justice takes its most powerful form when woven with feminist, anti-racist and anti-capitalist critiques regarding social reproduction (Silvia Federici), care work and disability justice (Care collective, Leah Lakshmi Piepsza-Samarasinha), mutual aid (Dean Spade) and abolitionist projects (Angela Davis).

Victims/survivors as co-facilitators of repair and regeneration in conflict affected and post-conflict societies
Dr Yoana Nieto Valdivieso, University of Birmingham, UK

During the last twenty years resilience understandings have move away from person-centric definitions focused on individual attributes and aptitudes such as strength and self-reliance. Resilience is now understood as a process in which individuals in collaboration with their community, environment, and social institutions make possible positive outcomes after experiences of trauma such as sexual violence in conflict. Using a socio-ecological resilience lens this paper explores the ways in which victims/survivors of conflict-related sexual violence and other human rights abuses in Colombia are co-facilitating repair and regeneration in their wider social ecologies. First, the paper explores the concept of co-facilitation in resilience literature. Next, using empirical data, the paper looks at the resources that victims/survivors have available, paying particular attention to women-led and survivor-led organizations. Thirdly, I propose that some victims/survivors in collaboration with their social ecologies are patching-up and mending the harms caused by conflict and violence contributing in this way to local transitional justice. The paper concludes by highlighting the importance of identifying, strengthening, and fostering the resources and capabilities of victims/survivor's wider environments in order to make co-facilitation possible.

Day 2: Thursday 23 June 2022

Keynote address: **Taking stock of reparations, resilience and conflict-related sexual violence**
Professor Clara Sandoval-Villalba, University of Essex, UK

Transitional justice processes have been slow in addressing conflict-related sexual violence (CRSV). However, important changes have taken place at various systemic levels. For example, at least some forms of CRSV, previously ignored, like rape or sexual slavery, are now considered international crimes under the jurisdiction of transitional justice or other justice mechanisms (such as the Special Jurisdiction for Peace in Colombia, the Special Court for Sierra Leone, or the International Criminal Court); and victims are included, at least some of them, as possible beneficiaries of reparations under domestic reparations programmes (e.g.,

Bosnia Herzegovina, Peru, Colombia). Nevertheless, survivors of CRSV face a myriad of challenges in accessing transitional justice mechanisms and claiming their rights. They often do not stand up and speak out. They face stigma and ostracism. They live with severe health issues and other problems. They lack safe and trusted spaces. This keynote talk will take stock of resilience in this complex and seemingly counterproductive context, to consider the potential factors that have enabled survivors of CRSV to seek their wellbeing despite truly adverse conditions by fighting for their right to receive reparations. The talk will engage with key premises of resilience literature (particularly that of Clark and Ungar) and with key systems and processes at play today that enable access to reparations for survivors of CSRS worldwide. Lessons will be drawn from this ecosystem.

Panel 3
Theme: Critical reflections on transitional justice: What are the gaps and shortcomings?

Transformative gender justice as a reparative response to sexual violence: the potential of a social ecologies approach
Dr Simon Robins, University of York, UK

Whilst the understanding that reparations should be transformative, in fundamentally effacing the structural foundations for rights violations, has become widely accepted, there remains a dearth of practice that can demonstrate this. As such, the issue of sexual violence is one where the concept of transformative reparations has been theorised, but little practical work done to understand how reparations can be used to advance not only individual repair for victims but also the social change that advances non-repetition. Here, empirical research has been made in collaboration with Tunisia's Commission for Truth and Dignity by collecting data from women who have been subject to sexual and gender-based violence at the hands of state agents, to understand their reparative needs and perceptions of, and routes to, transformation. The divergence between a transformative approach and that of a resilience lens are emphasised through an engagement with a social ecologies approach which highlights that all repair is relationally situated. This conceptual approach is used to argue that transitional justice approaches to sexual violence must engage with both the everyday, where women seek local and particular approaches to moving on from violations, and social structures at multiple levels, from the family to institutions of the state as well as with the politics of all these sites. The study proposes that victim agency can drive approaches to transitional justice that hybridise the universalized and liberal discourse of human rights and the local and particular of the victims' everyday environment, such as the Islamic values of victims and their communities.

Centering embodied persistence and sociality towards healing justice in the pluriverse
Professor M. Brinton Lykes, Boston College, USA

With colleagues, I have documented some of the ways in which diverse groups of Mayan women have participated in trials, testified in truth-telling processes and organised in defence of their individual and collective rights to redress and repair. They reframe experiences of resistance and resilience, centring their lives, cosmovision and experiences of a collectivity while affirming, in Karen Barad's words, that 'matter matters'. This presentation critically

engages with the unprecedented successes of the much-delayed prosecution of perpetrators of sexual violence (e.g., the case of Sepur Zarco), to explore the present-absences of multiple social ecologies of Mayan sociality in multiple TJ processes. I examine how by accompanying the Maya through feminist participatory action research I have begun to 'stand-under' their place-based standpoints of embodied survivance towards a reframing of multiple dualisms underlying TJ processes towards an understanding of healing justice. Mayan women's location in multiple living systems challenge current borders and boundaries of TJ helping to clarify some of the gaps in the TJ processes and interrogating if – and, if so, how – they can be decolonized.

Building resilience through the interactions of individual and collective justice
Dr Chris Dolan, Refugee Law Project

This paper builds on extensive individual and group work in Uganda with male refugee survivors of conflict-related sexual violence. This has involved a combination of identification of individual survivors and responding to their initial medical and psychosocial needs, followed by involvement in peer support groups that in addition to peer support also engage in broader advocacy activities. Taken together, this work suggests that i) individual journeys of recovery are best achieved within broader processes of collective sense-making ii) actual instances of sexual violence frequently involve multiple victims rather than isolated individuals, iii) that even where the violence is experienced by lone individuals, the impacts of that violence are experienced *directly* by people around them who are frequently mis-conceptualised as 'secondary' or 'vicarious' victims, and iv) conceptions of justice begin and end outside the confines of much that is done in the name of 'transitional justice'. Taken together, these findings form the basis for a thorough-going critique of models of transitional justice focused on and structured around the identification of and response to individual victims and their immediate perpetrators, a structuring that inherently compounds social fragmentation and thus undermines both individual and collective resilience and recovery.

Trump January 6th impeachment trial: a "classic" transitional justice trial?
Professor Laurel E. Fletcher, UC Berkeley, USA

The conventional understanding of transitional justice refers to state-sponsored interventions designed to help countries move beyond a period of legal rupture (mass violence, authoritarian repression). The impeachment trial of President Trump for the January 6, 2020, insurrection was framed as transitional justice intervention by the leadership of Democratic-controlled Congress that prosecuted the President. Although the House Managers prosecuting the case did not use the phrase "transitional justice," they justified and narrated their case on traditional TJ grounds. The trial, they argued, was necessary to pursue truth telling, a measure of accountability, and, by putting the breach of rule of law behind the nation, the possibility of reconciling nation. Yet, the trial never held the possibility of conviction. This raises the question of what purpose did the transitional justice discourse serve? Who benefited from it? Does it anticipate or foreclose further accountability efforts against the former President? What does this use of transitional justice mean for the field? This paper will explore these questions by a discourse analysis of the impeachment trial. It will reflect on the significance of the transitional justice frame in this political trial. It will argue that the invocation of transitional

justice in a case of "loser's justice" points to the plasticity of the concepts and their utility in the face of deep political polarization.

Panel 4
Theme: Thinking in social-ecological ways about transitional justice: what does it mean?

The justice facade and the social ecologies of the Khmer Rouge tribunal
Professor Alexander Laban Hinton, Rutgers University, USA

Transitional justice mechanisms, ranging from international criminal tribunals to truth and reconciliation commissions, face a paradox. On the one hand, they are expected to deliver 'the truth'. On the other hand, they have been critiqued for the partial and often political truth they afford – even for silencing victims. This paper explores this paradox as it has played out in one international hybrid tribunal, the Extraordinary Chambers in the Courts of Cambodia, which seeks to bring to account the former senior leaders of the Khmer Rouge. In particular, this paper will explore how truth and knowledge are produced at the court through epistemological reductionism. It will further consider how Cambodians participating in the court as civil parties are both constrained by and creatively engage with the proceedings, including reimaginings of the trial process that are mediated by local understandings and social ecologies occluded by the 'transitional justice imaginary' of those leading the process.

Accounting for social-ecological harms and mass atrocity: the light and shadow of transitional justice
Professor Lauren Balasco, Stockton University, USA

Recent approaches to transitional justice call our attention to the embeddedness of individual behavior in networks of interpersonal relations and community practices. Central components of these approaches include addressing the consequences of social-ecological harms with a broader understanding of their causes, and subsequent holistic responses through multi-layered policies and practices. One crucial element, driving this reimagination of justice, is resilience, especially as it pertains to how it can strengthen a community's capacity to rebuild after mass atrocity (Clark 2021; Kastner 2020; Wiebelhaus-Brahm 2017). Resilience "relies on ideas of self-organization, adaptation, transformation, and survival in the face of adversity of crisis" (Humbert and Joseph 2020). However, resilience as received critical scrutiny from some quarters, as it may be exploited by state actors to pass the weight of responsibility for crisis management to local communities, rather than addressing the institutional and/or structural factors that contributed to past violence and contemporary social-ecological harms. This paper takes stock of current literature on transitional justice and genocide research to assess how justice initiatives can be informed by the notion of resilience. Further, it interrogates whether we need a new conceptualization of justice that reflects how communities may understand social ecological trends and conditions connected to mass atrocities of the past. As part of this analysis, this paper will discuss the challenges and opportunities for transitional justice measures to provide for both a victim-centered experience while accounting for wider societal conditions related to the environment.

Conflict-affected environments: implications of harms suffered by the wider environment for survivors of sexual violence in northern Uganda
Dr Eunice Otuko Apio, University of Birmingham, UK

The paper draws on fieldwork conducted in northern Uganda between 2018 and 2021 to explore how conflict-related harms directed at the social-cultural environments reflect on the wellbeing of survivors of conflict-related sexual violence. It does this by examining how individuals who suffered sexual violence during the LRA and cattle rusting conflicts in northern Uganda, between 1986 and 2006, perceived these harms and the effects on their lives.

Structuring the analysis around objects, people and means of livelihoods which had connections with survivors of sexual violence before and after their experiences of conflict, the paper provides clarity on how harms suffered in the wider environment affect survivors of war related sexual violence. The aim is to demonstrate the importance of using a social ecological lens in understanding harms to inform meaningful transitional justice responses that reinforce the relationships and connections that are healthy and helpful in a survivor's life. Compartmentalising harms and their consequences to specific groups may minimise the understanding of how harms suffered by other groups, objects and resources in the wider environments affect a survivor's life.

Panel 5
Theme: Emerging examples of social ecological transitional justice and future directions

Other-than-human victimhood and the pursuit of socio-ecological justice
Dr Rachel Killean, Queen's University Belfast, UK

Conflicts not only destroy human lives and livelihoods, but also plants, wildlife, landscapes, and the complex webs of relationships between these phenomena. The implications of such destruction can be severe, reducing the natural resources necessary for social reconstruction and robbing communities of important cultural and spiritual connections to the natural world. Recognition of these harms has fed growing calls to prevent and repair conflict-related environmental harm. In the transitional justice field, scholars have explored opportunities for 'greener' transitional justice measures and advocated for greater recognition of the interconnected relationships between harm experienced by human victims, other-than-human beings, and natural environments. While transitional justice practice has often remained predominantly anthropocentric, recent notable developments have included the Colombian Jurisdicción Especial para la Paz's recognition of Indigenous and Black communities' territories as victims of the conflict, and the International Criminal Court's declared willingness to pursue cases that involve environmental destruction. This presentation will explore these developments and situate them within a growing body of practice and scholarship characterised by a willingness to challenge nature's framing as a means to human ends. In particular, it will explore what greater recognition of 'other-than-human victimhood' might offer transitional justice as a means of pursuing a more holistic socio-ecological justice and restoring community resilience in the aftermath of conflict.

Territory as a victim of Colombia's armed conflict
Professor Alexandra Huneeus, University of Wisconsin-Madison, USA and Professor Pablo Rueda-Saiz, University of Miami, USA

Colombia's peace jurisdiction has formally accredited the territories of indigenous and Black communities as victims of the armed conflict. But what does it mean for a territory to be treated not as the stage on which a conflict unfolds, but as its victim? The concept of territory-as-victim seeks to give a legal expression to the notion that it is not just human lives that are upended by armed conflict, but also relations with non-humans, including 'earth beings' such as rivers and mountains, and the spiritual world. Further, it is a tool through which indigenous peoples and Black Colombians gain greater control over their land. Transitional justice scholars and practitioners are just beginning to consider what the push to recognize non-humans in law could mean for a field that has its origins in the human rights movement. This article contributes to the debate, showing how Colombia's peace process is transforming territory from an object to a legal subject that suffers harm and is in need of repair.

Thinking through the social-ecological harms of conflict-related sexual violence: the 1994 genocide of Tutsi in Rwanda

Professor Jennie E. Burnet, Georgia State University, USA

This paper explores ways to incorporate social-ecological thinking into transition justice—both in theory and practice—by examining sexual violence during the 1994 genocide of Tutsi in Rwanda. First, it investigates the social-ecological harms of conflict-related sexual violence to reveal the ways these harms extend far beyond individual victims through social networks, through space, and through time. The social-ecological harms of conflict-related sexual violence are multigenerational affecting survivors, their kin, their children, and their communities in terms of physical and mental health, economic survival, social integration, and their ability to adapt and thrive. Next, the paper proposes ways that transitional justice could give greater attention to these social-ecological harms by examining the evolution of witness and survivor services within the institutional structures of the International Criminal Tribunal for Rwanda and the International Residual Mechanism for Criminal Tribunals. The paper concludes by underscoring some of the challenges of delivering social-ecological justice.