

**Masculinist norms and SGBV in South Sudan:
A gender analysis**

Major Research Paper

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Acronyms

ARCSS — Agreement on the Resolution of the Conflict in the Republic of South Sudan

AU — African Union

AUCISS — African Union Commission of Inquiry on South Sudan

CSO — Civil Society Organization

CPA — Comprehensive Peace Agreement

GoSS — Government of Southern Sudan

HCSS — Hybrid Court for South Sudan

IGAD — Intergovernmental Authority on Development

NGO — Non-governmental Organization

OAGs — Other armed groups

OHCHR — Office of the United Nations High Commissioner for Human Rights

POC — Protection of Civilians

SGBV — Sexual and Gender Based Violence

SPLA/M — Sudanese People's Liberation Army/Movement

SPLA/M-IO — Sudanese People's Liberation Army/Movement in Opposition

SSNPS — South Sudan National Police Service

TGoNU — Transitional Government of National Unity

UNSC — United Nations Security Council

UNSCR — United Nations Security Council Resolution

UNMISS — United Nations Mission in South Sudan

WPS — United Nations Women Peace and Security Framework

Historical Timeline

- **1956** — Sudanese Independence from Anglo-Egyptian Rule
- **1955-1972** — First Sudanese Civil War
- **1972** — Addis Ababa Agreement and Establishment of Southern Sudan Autonomous Region
- **1972-1983** — Southern Sudan Autonomous Rule
- **1983-2005** — Second Sudanese Civil War
- **2005** — Comprehensive Peace Agreement and Southern Sudan Autonomous Rule
- **2011** — South Sudanese Independence Declared
- **2013** — Juba Crisis Sparking Civil War in South Sudan
- **January 2014** — Cessation of Hostilities Agreement
- **August 2015** — Agreement on the Resolution of the Conflict in the Republic of South Sudan
- **April 2016** — Riek Machar returns to Juba and the Vice Presidency
- **July 2016** — Renewed fighting in Juba causes Machar to flee, reigniting conflict

Part 1: Introduction

I. Overview

South Sudan is currently one of the most insecure places in the world for women. Since 2013, South Sudan has been embroiled in conflict, which has been characterized by rampant and heinous acts of sexual and gender-based violence (SGBV). After decades of fighting it has become a country populated with militarized masculinities. Competition for wealth and inequity within and amongst armed forces has contributed to an environment where violent masculinities and militarism are normalized. South Sudan's dominant ethnic communities also have deeply rooted patriarchal cultural practices which objectify women, undermining their autonomy and security. In particular, the traditional marriage dowry, paid in cattle, creates a situation where women are treated as a commodity in a transaction between the groom and the bride's family. These insights have not been meaningfully included in South Sudan's peace processes, obscuring crucial determinants of violence. My research will analyze the current conflict in South Sudan from a gender perspective, arguing that militarized masculinities and patriarchal customs which undermine gender equality are fuelling ongoing gendered violence.

Since early colonial times in the 19th century southern Sudan experienced political, economic and social marginalization. When Sudan gained independence in 1956, the government in Khartoum was dominated by the largely Arab Muslim north while the predominantly non-Arab Christian and animist south continued to be marginalized. This led to protracted conflict between the two regions, which many in the south viewed as a, "forgotten war of decolonization" (D'Agoût, 2013: 104). In 2005, a Comprehensive Peace Agreement (CPA) was signed granting the southern part of the country a period of autonomy before a referendum led to independence in 2011. Only two years after independence, on December 15, 2013, the

country descended into conflict once again. Political conflict spawned inter-tribal violence, first in the capital, and then beyond. Peace remains elusive in spite of numerous rounds of multilateral negotiations and accords. There have been disturbing reports of mass killings, torture and gang rapes perpetrated by actors on all sides of the conflict. Evidence suggests that rape has been used by opposition forces as a punishment for alleged government sympathizers, however, all sides have committed atrocities (OHCHR, 2016). Feminist analyses of SGBV offer an important symptomatic, though not comprehensive, picture of the gendered dimensions of conflict (past and present) in South Sudan (Whitworth, 2004; Baaz & Stern, 2013). Grappling with contemporary gender-related security challenges requires analysis of the diverse factors that have fuelled violence in order to achieve a sustainable peace.

The study is organized as follows. After an overview of research objectives and methodologies in Part 1, the following section reviews relevant literature in order to establish a theoretical and historical foundation for understanding root causes of gendered violence and insecurity in South Sudan. Conceptual models from feminist gender scholarship that help to interrogate gendered insecurities include patriarchy and masculinities, and their relationship to militarism. Militarism—the ideology legitimizing “violent solutions to conflict and disorder” (Wright, 2014: 6)—and patriarchy—the ideology that normalizes men’s domination over women (Walby, 1990)—are central to the perpetuation of violence and help to explain the gendered nature of violence and insecurity. Part 2 also provides a brief review of the history of southern Sudan, beginning with the colonial era, describing the Sudanese Civil Wars leading to independence in 2011, and key milestones from the outbreak of conflict in 2013 to the present. International discourse has increasingly noted the importance of considering gender in relation to conflict and peacebuilding as evidenced in the UN Women, Peace and Security Framework. The

final portion of this section will review the evolving discourse drawing from feminist international security studies literature, with consideration for its relevance in the context of South Sudan.

Part 3 will explore the nature and extent of contemporary SGBV in South Sudan based on a document analysis of reports by multi-lateral and non-governmental organizations. It will explore the actions of the primary belligerents, the SPLA/M and SPLA/M-IO, both of whom have targeted women for SGBV on the basis of their intersecting identities of gender and ethnicity. There is evidence to show that in an effort to humiliate men of the opposing side, women have been raped as proxy targets. Furthermore, other armed groups (OAGs), such as the Nuer based White Army and Dinka youth militias have also engaged in horrific SGBV. There is a pattern of women being treated as plunder, particularly by Dinka armed militias aligned with the SPLA/M. As the government cannot pay for support of these armed groups, an apparent policy of ‘do what you can; take what you can’ has effectively given license for them to rape and abduct women as compensation (OHCHR, 2016). Interpersonal violence perpetrated against women by men of the same ethnic group is also on the rise, particularly at Protection of Civilian (POC) sites. The nature of contemporary gendered violence reflects a blatant disregard for the human rights and the dignity of women.

To understand why SGBV in the current context has adopted the identified characteristics, Part 4 evaluates the patriarchal and militaristic nature of South Sudanese culture prior to the Juba crisis of 2013. This section begins by looking at the ways in which patriarchal marital practices served to objectify women. The dowry system is one such norm which confers power and position on males but treats women as ‘objects’ for purchase and second class citizens. Polygyny and levirate marriage make women subject to structures which further

constrain their agency, and privilege men. Customary courts are also patriarchal institutions, which have denied women their human rights. Tolerance for domestic violence and impunity for sexual violence in these male-dominated settings reinforce this reality. Furthermore, a practice whereby a young girl is given away as compensation to settle disputes, is indicative of societal devaluation of women. The latter part of this section will explore the ways patriarchy is further reinforced by militarism's relationship to masculine identity in the country. Decades of war have transformed South Sudanese ethnic identities, to the point that dominant masculinities are now characterized by violence, aggression and power. This structural violence laid the foundation for contemporary SGBV.

Final discussions will explore the ways in which gender power relations were neglected in peace building efforts in the post-CPA period. South Sudan was and is a society in which women are not equal citizens to men. Patriarchal practices, militarism and masculinist norms undermined the status of women and inhibited gender equality for decades prior to the 2013 outbreak of civil war in the newly independent South Sudan, and continue to do so today. Incorporating a gender analysis is therefore central to understanding the mechanisms that cause and facilitate ongoing conflict and insecurity.

Ultimately, this paper will argue that gender inequality as facilitated by patriarchal practices coupled with militarism and violent masculinities have fuelled SGBV in South Sudan. Current policies aimed at achieving gender equality in South Sudan primarily focus on quotas for women in legislative bodies and the security sector. However these initiatives are largely inadequate to address the underlying issue of masculinist culture, which is necessary to realizing gender equality.

II. Research Objectives

This research focused on three key periods:

1. The Second Sudanese Civil War (1983-2005) including the rhetoric and processes of building nationhood, during which time southern Sudan was plagued not only by conflict with the government in Khartoum, but also warring internally,
2. The Post-Comprehensive Peace Agreement (2005) period, which first brought autonomy and ultimately independence to South Sudan in 2011; and
3. Contemporary violence in the country since December 2013.

My analysis argues that constructions of manhood—that is, masculinities—and the perpetuation of particular patriarchal norms during the first two periods laid the foundation for contemporary gendered violence. These subjects will be scrutinized utilizing feminist understandings of militarized masculinities and scholarship on patriarchal cultural norms to answer the following key research questions:

1. What is the nature and extent of gendered violence and insecurity in South Sudan?
2. How do feminist understandings of militarized masculinities and patriarchal cultural norms—specifically marital customs and customary courts —help to make sense of contemporary gendered violence and insecurity in South Sudan?
3. How can a gendered understanding of the violence in South Sudan inform the peace process?

III. Research Methodology

This study relied heavily on extensive literature review, particularly drawing on feminist scholarship and country case study material of South Sudan. Analysis of secondary literature is central to uncovering the important gender realities in the country, how gendered violence is steeped in patriarchal cultural practices and perpetuated through militarism and independence

struggles. While there are many dimensions to these relationships, this study will focus on three key themes:

- 1) Sexual and gender based violence;
- 2) Patriarchal cultural norms and practices, including the dowry economy, polygyny, girl compensation, and others;
- 3) Militarism, which has shaped masculine identities.

While violence against both men and women has gendered dimensions, this study primarily focused on key determinants for SGBV perpetrated against women.

Document analysis involved a review of reports on the conflict published since 2013 by the African Union (AU), United Nations Mission in South Sudan (UNMISS), Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as other multi-lateral and civil society organizations. These reports were selected due to the breadth of information they provide, and in an effort to represent diverse voices. Unfortunately, due to the present conflict, there is a dearth of available reporting from South Sudanese government and civil society sources. Using a content and discourse analysis, reports were reviewed to identify references to “dowry”, “bride price”, “girl compensation”, “sexual and gender based violence”, “rape”, “masculine”, “manhood”, “patriarchy”, and “gender.” These references were then examined in light of cultural norms and practices as well as their implications for gender equality in South Sudan. Findings were situated in the context of feminist scholarship on masculinities and scholarly research on patriarchal cultural practices and sexual and gender based violence.

This study is limited by its lack of field research. Engaging with women’s organizations or other local civil society groups would provide a clearer picture of the present reality of violence related to masculinist norms in South Sudan. However, given current conflict in the country and lack of resources for travel, field research was not feasible. Even so, this study will

provide an important discursive analysis of existing reports that illuminate the current situation and offer insight into some of the underlying causes of gender inequality, resulting in the prevalence of SGBV in the country. Understanding this material is therefore important to shaping future research on-the-ground, which has the potential to mitigate harmful practices and prevent further gendered violence if addressed. More specifically, the research findings are expected to help guide future gender programming to ensure that efforts to address gender inequality move beyond ensuring women are present in peacebuilding processes toward addressing the masculinist culture and complex gender power dynamics of contemporary South Sudan.

Part 2: Literature Review

IV. Theoretical Perspectives and Concepts

Patriarchy & Gender

Feminist scholars have observed the patriarchal nature of societies around the world. Patriarchy can be succinctly described as, “the hierarchical arrangement of social, economic, and political structures whereby men are privileged over women” (Peoples & Vaughn Williams, 2010: 34). The consequences of this structuring of society have been said to include placing men over women in the gendered division of household and wage labour, bending the will of the state towards male interests, condoning male violence, and demanding heterosexuality among others (Walby, 1990). Thus, patriarchy may dominate and pervade all facets of a society. However, Judith Butler problematized the universality of patriarchy, faulting this notion for obscuring the unique ways oppression faced by women may differ depending on one’s time in history and cultural context (1990). Likewise, Belinda Bozzoli posited the notion of “ ‘many’ patriarchies”

to account for its various expressions (1983: 155). While this structuring of society places men in a position of dominance, in some cases certain women benefit from such arrangements and are thus undisturbed by its widespread negative consequences (Cohn & Enloe, 2003). Exploring patriarchy's various modalities in different societies helps to unpack the gendered roles of women and men, and their relationships. Patriarchal gender relations have also been identified as a key determinant in propelling societies toward warfare (Cockburn, 2010).

To facilitate the meaningful inclusion of 'gender' in analyses of peace and conflict, its conceptualization must be understood. Fundamental to feminist thinking is the socially constructed nature of gender. Raewyn Connell's (2011a) conception of 'hegemonic masculinity' has been highly influential in the field of gender studies. In her understanding, the notion of hegemonic masculinity was a dominant normative framework of what it means to be a man in a given context. This theory posits there is no single dominant masculinity. Instead, conceptions of masculine gender identities are dynamic and relational, differing at local, national and global levels as are alternative non-hegemonic masculinities. Idealized notions of manhood are not formed endogenously, but are based on human social interaction (Connell & Messerschmidt, 2005). Other feminist critics such as Wetherell & Edley (1999) argued Connell's theory over-emphasized masculinities as being characterized by the patriarchal subordination of women. Even so, the majority of feminist scholars understand traditional hegemonic masculinities as characterized by patriarchal power and dominance. The destabilization of hetero-normative patriarchal masculinities often displaces those who have been in positions of power. Efforts to engage men in transitioning to more gender equitable masculinities have been met with staunch resistance. This resistance to change is often rooted in socio-cultural and economic factors (Ratele, 2015).

Militarism, Masculinities & Violence

Militarized masculinity has been seen as the ultimate hegemonic masculinity by some feminist academics. Scholars of masculinity have noted the ways in which military institutions break down individual identity and shape recruits into the idealized image of a soldier, one which valorizes violence and aggression (Whitworth, 2004; Highgate & Hopton, 2005). Militarism and social constructions of manhood become critically important in the context of conflict. This has been particularly evident in long-term campaigns for national liberation. In such environments, a type of “struggle masculinity” serves a particular purpose in building the nation (Barker & Ricardo, 2006: 165). As Kimberly Theidon noted, this manifestation of masculinity may even become necessary to achieving military objectives. Reflecting on research in Colombia, she observes: “Constructing certain forms of masculinity is not incidental to militarism; rather it is essential to its maintenance. Militarism requires sustaining gender ideology as much as it needs guns and bullets” (2008: 3). When male identity is bound to violence, dominance and aggression, militarism can thrive.

Scholars have connected these militarized masculinities of armed combatants with sexual and gender based violence in conflict. Wright has identified links, “between militarism, an ideology which legitimizes violent solutions to conflict and disorder, and patriarchy, an ideology which legitimizes the domination of men over women” (2014: 6). In a similar vein, Soeters, Winslow & Weibull (2006) argue that military training seeks to deconstruct the individual identity, grafting recruits into a unified structured identity. This militarization of masculinity, can generate sexual violence, even against those whom soldiers are tasked to protect (Whitworth, 2004). However, Baaz and Stern have warned against obscuring the agency of individual

combatants. Based on their observations of military violence in the DRC, they argued: “Sexual violence can also reflect the breakdown of chains of command; indiscipline rather than discipline; commanders’ lack of control rather than their power” (Baaz & Stern 2013: 74).

While feminist scholars have observed that social constructions of masculinity can catalyze conflict, they are careful to point out that men are not inherently violent. Numerous studies have highlighted alternative, non-violent masculinities. Raewyn Connell has said, “Though most of the people enacting violence are men, most men are not violent, in the sense that they do not rape, kill or beat people up. The differentiation of masculinities is a basic issue here” (Connell, 2011b: 93). A study in Mozambique found evidence of positive and equitable understandings of manhood rooted in traditional culture (Groes-Green, 2012). Indeed, men have at times been at the forefront of anti-violence activism, supporting collective efforts to advance gender equality (Flood, 2005). Furthermore, men can also be victimized by harmful masculinities. Throughout history men have also been subject to sexual violence in conflict (Sivakumaran, 2007). Often those being victimized are individuals transgressing acceptable hetero-normative conceptions of manhood, or the hegemonic masculinity as defined by a given group at a given time.

As gender is socially constructed, women may also perform militarized masculinities. This is particularly true when operating within a masculine institution such as armed forces. ‘Performativity’ of gender, is the repetition of behaviour which reflects the dominant understanding of a particular gender (Butler, 1990). Women have been active in military forces, both in administrative and combatant roles (Baaz & Stern, 2009). In situations of violent conflict women have committed horrible atrocities (Coulter, 2008). In some cases, such as the Democratic Republic of the Congo, women have been hailed as braver and more militarily

skilled than men, adopting masculine traits (Baaz & Stern, 2008). This further illustrates the socially constructed nature of gender as female actors adopt masculinist behaviour based on their social action within a hetero-normative masculine institution such as the military.

Sexual and gender based violence in conflict may be understood in a number of different ways. Rape has long been identified as an expression of power, and method of subjugating one's victim. It has been utilized in warfare as a way of humiliating conquered peoples. According to Brownmiller's historical overview of wartime sexual violence:

...triumph over a woman by rape became a way to measure victory, part of a soldier's proof of masculinity and success, a tangible reward for services rendered. Stemming from the days when women *were* property, access to a woman's body has been considered an actual reward of war (2013: 76).

Although, as will be discussed later in this paper, certain cultural practices continue to treat women as chattel in South Sudan. In militarized contexts, rape may also be a performance of masculinity used by soldiers in order to normalize themselves within the masculinist context of armed forces (Whitworth, 2004). Intersecting identities of gender and ethnicity may also serve to increase women's vulnerability to sexual violence in times of conflict, as an assault on 'enemy' women equates to an assault on the enemy combatant. Women may also be targeted by virtue of their reproductive capacity (Allison, 2007). The female body may become politicized with an assault on a woman, being representative of an assault on the opposing group (Seifert, 2016).

More recent work has sought to further unpack the complexity of human action through an intersectional approach. Judith Large (1997) highlights the ways that various aspects of an individual's social identity may shape their behaviour including race, age, gender, socio-economic class and an infinite number of other possibilities. Furthermore, reasons for male

engagement in conflict, were shaped by “a hierarchy of interests and power [operating] within the framework of masculinity. Men may be unwilling to participate in acts of violence, yet the social relationships in which they are caught up pressurize them into complicity” (Large, 1997: 25). Likewise, Christensen and Jensen adopt a nuanced understanding of masculinities. Conflicting aspects of a person’s understanding of self, lead to the incongruity within men who “support and practice gender equality while they simultaneously contribute to the exclusion of women” in other areas of society (2014: 71). In analyzing contemporary SGBV, this paper will utilize feminist understandings of patriarchy and masculinities including their relationship to militarism to draw out underlying gender-power dynamics and determinants of gendered violence in South Sudan.

V. Context of Conflict

Colonial History & Sudanese Civil Wars

To begin, it is important to understand the historical context of South Sudan’s current conflict. Throughout most of the 19th century under Turko-Egyptian rule, southern Sudan was plundered of its natural and human resources. Slavery flourished during this period and southern local militias mobilized in response. Frequent incursions by Arab slave-traders conditioned southerners to be wary of the north (Deng, 1973). This pattern continued under a short-lived period of Sudanese rule until 1898 when Anglo-Egyptian joint governance was established. The colonial system led to further uneven development. While the north benefited from social and economic advancement, the British were deterred from settlement in the South because of its

harsh climate. Instead, the South was left without significant comparable investment, save for colonial powers seeking to prevent slavery and Islamization in the South.

After Sudan gained independence in 1956, marginalization of the predominantly Christian and animist south continued with northern nationalist leaders seeking to impose Arab and Muslim culture. This led to protracted conflict between the two regions, which many in the south viewed as a “forgotten war of decolonization” (D’Agoût, 2013: 104). Mutiny amongst southern military officers devolved into civil war just prior to independence. The 1972 Addis Ababa Agreement brought an end to armed conflict by guaranteeing the south autonomy and its own representative government. With the advent of this new period of stabilized relations with the north, southern Sudan saw a time of social and political development.

However, peace was short-lived. Political pressures in the north caused the Sudanese government in Khartoum to shift its stance on southern autonomy, dissolving the Regional Assembly. In 1983, after the Khartoum government indicated its intention to further renege on commitments to the south, the second Sudanese Civil war began. To view the Second Sudanese Civil war solely as a conflict between the government in Khartoum and southern Sudan, is to obscure the deep internal divisions between and within various rebel militias. From the outbreak of war in 1983, the SPLA had been a key rebel group in the battle against the Sudanese government. However, internal disagreements and a power struggle between then head military commander of the SPLA, John Garang, and his deputy military commander Riek Machar, fractured the movement. While the conflict was political, both men manipulated inter-tribal tensions over resources and instrumentalized ethnic loyalty to draw supporters from their respective tribes. The SPLA rift of 1991 catalyzed the “polarization and militarization of Dinka and Nuer ethnic identities” (Jok & Hutchinson, 1999: 125), which will be discussed further in

Part IV. Ultimately, Garang's SPLA would annex Machar's breakaway group as well as a host of disparate militia groups. However, as noted in a recent African Union report, the political and ethnic divisions of 1991 continue to haunt the SPLA/M and inter-tribal relations (2014: 19).

In 2005, a Comprehensive Peace Agreement (CPA) was signed granting the southern part of the country a six-year period of autonomy before holding a referendum to determine its statehood status. When John Garang died only months after the signing of the CPA, Salva Kiir took over leadership of the SPLA/M. The 2006 Juba Agreement continued to bridge militias into the Southern Sudanese national army (still called the SPLA) and other security services. Consequently, demobilization of disparate armed groups across the region failed to materialize (De Waal, 2014). When Southern Sudan voted overwhelmingly in favour of independence in 2011, hopes were high that the region would be able to build a lasting peace.

Current South Sudanese Civil War

However, these hopes were soon dashed on December 15, 2013, when the country descended into conflict once again. The ethnically Dinka President Salva Kiir, accused his Vice President Riek Machar, who is ethnically Nuer, of positioning for a coup d'état (BBC News, 2013). Political conflict between the two men spawned inter-tribal violence, first in the capital, and then beyond. Notwithstanding, Dinka and Nuer pastoralist tribes share similar languages and cultures, often intermarrying. However, violent clashes over resources and political disputes have also characterized relations between the two groups. Kiir's predominantly Dinka government and national armed forces, the Sudan People's Liberation Army/Movement (SPLA/M) now stand against Machar's largely Nuer splinter group in opposition (SPLA/M-IO). Additionally, there are numerous disparate local militias scattered across the country. Fighting quickly spread to the

Greater Upper Nile region, to the states of Upper Nile, Jonglei and Unity, taking on an ethnic dimension.

In January 2014, the first Cessation of Hostilities agreement outlined prohibitions agreed to by the SPLA/M and SPLA/M-IO which included: ending conflict-related SGBV, ceasing attacks against civilians and refraining from recruiting or using child soldiers. However, the agreed ceasefire failed to take effect. Peace negotiations continued under the auspices of the Intergovernmental Authority on Development (IGAD) until the Agreement on the Resolution of the Conflict in the Republic of South Sudan was signed between the warring parties in August 2015. During this time, many South Sudanese from Equatoria, who felt their voices had been marginalized in what was perceived to be an increasingly Dinka-dominated government, joined the opposition (OHCHR, 2016). As part of the peace agreement, Riek Machar was to return to Juba to serve as Vice President under Salva Kiir. This only took place in April 2016. Violent conflict returned to Juba in July 2016 causing Riek Machar and his SPLA/M-IO to flee across the Equatorial Region in the south of the country. A region which was previously shielded from the violence of the northern states now became “treacherous killing fields,” according to Amnesty International (2017: para. 29). Taban Deng Gai, replaced Machar as Vice President following the latter’s flight from Juba. This served to split the opposition and has done little to quell the violence. In spite of continued efforts by national and international actors to work towards peace, the country remains exceedingly fragile and its citizens live in a perpetual state of insecurity.

VI. Gender, Conflict and Peacebuilding

Gender, Conflict and International Discourse

Gender was long absent from mainstream discourses of international security. As with many statist concerns, war and conflict have typically been the purview of “the elite world of masculine high politics” (Blanchard, 2003). In 2000, however, the United Nations Security Council passed Resolution 1325, a milestone which marked a codification of women’s importance to global security. It acknowledged conflict’s unique impact on women, urging the UN and member states to address these impacts and calling for gender mainstreaming – incorporating a gender perspective into peacebuilding operations. It recognized women as agents of peace with the right to equal participation in peace processes. This was the first in a series of resolutions, which came from the Women, Peace and Security Framework (WPS). UN member states began creating National Action Plans for the implementation of policies outlined in UNSCR 1325.

Subsequent resolutions further developed the WPS Framework. Resolution 1889 eventually followed, reinforcing the importance of consulting women throughout peacebuilding to identify and address their socio-economic and political needs (UNSC, 2009b). During this time, sexual violence was increasingly recognized as a weapon of war. In response, the UNSC adopted Resolution 1820 acknowledging sexual violence as a war crime disproportionately affecting women (UNSC, 2008) and Resolution 1888, mandating UN peacekeeping forces protect women and children from sexual violence during armed conflict (UNSC, 2009a). In order to guide and monitor the implementation of UNSCR 1325, a Strategic Results Framework on Women, Peace and Security was developed in 2011. This drew four pillars from UNSCR 1325: Prevention, Participation, Protection and Relief & Recovery (UNSC, 2011).

Initially, many feminists hailed UNSCR 1325 as a landmark for women’s rights and the culmination of concerted, international feminist and NGO activism (Cohn, 2004; Cohn, Kinsella,

& Gibbings, 2004). It addressed the impact of conflict on women as well as highlighted their role in forging sustainable peace. Women were recognized as potential agents of change. As a feminist, Diane Otto has been wary of engagement with the UN Security Council, but acknowledged the significance of a discursive shift in the resolution. She argued that in comparison to previous UN Security Council resolutions on protection of civilians which had only intermittently made references to women, UNSCR 1325 “more fully recognizes women as subjects of international law, enjoying autonomy and rights, which displaces, or at least reduces in importance, the protective representations of women as a ‘vulnerable group’ or as the ‘victims’ of armed conflict” (2010: 103). Women were identified as agents of change, not merely victims.

The resolution also spawned efforts to reinvigorate gender mainstreaming commitments. This concept has been defined as, “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels...The ultimate goal [of which is] ...to achieve gender equality” (UN DESA, 1997: 2). However, adoption of this concept was criticized by some feminists, who accused it of having, “drowned out the project of equality” by making gender issues harder to identify (Charlesworth, 2005). Feminist scholars echoed earlier analyses and criticisms of gender mainstreaming efforts: particularly that they would lead to the diffusion of responsibility and consequent inaction (Tiessen, 2007). Their apprehension was merited. In honour of the 15th anniversary of UNSCR 1325, a report was commissioned to analyze the extent of progress implementing the resolution’s directives. The results largely confirmed feminist criticism. As noted in the report, “much of the progress toward the implementation of resolution 1325 continues to be measured in ‘firsts,’ rather than as standard practice” (Coomaraswamy, 2015: 14).

Furthermore, sophisticated gender analysis remains largely unimplemented in questions of conflict. Critics have problematized the framework's singular focus on women and failure to adequately address gender dynamics in conflicted-affected settings (Cohn et al., 2004). In contrast to feminist critique, which rigorously explores dynamics of gender power relations, Connell notes, "[g]ender still does mean women, in most political discussions of gender equality" (2011: 52). However, the 2015 report on UNSCR 1325 implementation offered salient recommendations for the future. It highlighted the importance of addressing drivers of conflict including "violent masculinities" (Coomaraswamy, 2015: 15). This point is brief but critical. By using the term "masculinities" the author implicitly dissociates sex and gender. The report thus subtly acknowledges the social construction of gender identity. While this idea remains insufficiently problematized in the UN report, its mention creates opportunity for dialogue about performance of gender roles and power relations. It opens a space for critical reflection on social constructions of manhood, and how alternative, non-violent masculinities may be engendered.

Gender and Peacebuilding in South Sudan

Gender analysis boasts nuanced critical tools that offer insights into the conflict in South Sudan and prospects for peace. An intersectional approach has salience in the context of South Sudan. Factors such as ethnicity, gender, age, class and other aspects of social identity have been shown to have relevance to individual motivations for engagement in conflict. However, as previously mentioned, the dominant paradigm in peacebuilding and security studies still largely views 'gender' as 'women.' There have been many attempts at including women in peace initiatives throughout the recent past. However, evidence reveals even the most simplistic

consideration of ‘gender,’ through the increased participation of women, has floundered in peacebuilding efforts (Coomaraswamy, 2015).

Before the 2005 Comprehensive Peace Agreement (CPA) was signed between the Government of Sudan in Khartoum and South Sudanese rebels, women hoped for a better future. They had been victims of violence, but were also active agents in the struggle for independence. Many worked as administrators for rebel forces, others volunteered as fighters (Aldehaib, 2010). In Southern Sudan, aspects of the liberation struggle were framed around achieving equality for all. In spite of the pivotal role they had played during the conflict, women were sidelined in the process leading up to the signing of peace accords. Peace negotiations between Sudan’s government in Khartoum and Southern Sudan’s rebel group, the SPLA/M, took place without the participation of women. Military leaders positioned themselves as the voice of South Sudanese through the process (Young, 2005). Furthermore, there was no analysis of gender power dimensions integrated into the document. As one commentator put it, “the CPA is gender blind. Gender inequality was never considered to be a factor in security or in the sharing of power and wealth as gender identity was not considered as a category of analysis” (Aldehaib, 2010: 7). This blindness had unfortunate consequences.

As previously mentioned, the Juba Agreement of 2006 annexed many militias into the SPLA/M’s military wing through buying of loyalties (De Waal, 2014). Demilitarization failed to materialize as former soldiers were grafted into the new national security sector. Offers of financial wealth, professional advancement and even marriages in attempts to buy the loyalty of militia leaders became common. With limited economic opportunities during the recovery period, civilian men were in comparatively dire straits (Pinaud, 2014). This perpetuation of the idealization of a masculine identity aligned with the violent, aggressive behaviour of the

SPLA/M soldier. In the most recent conflict, a lack of opportunities for young men created a situation whereby youth were ripe for recruitment into armed groups (African Union, 2014). The South Sudan National Police Services (SSNPS) also became highly militarized with most police officers drawn from ‘demobilized’ armed forces. It was members of this UN and international donor trained police force who were later implicated in some of the worst killings of civilians in December 2013 (OHCHR, 2016: 12).

Despite the shortcomings of the CPA, South Sudan’s transitional constitution acknowledged the rights of women to equal work for equal pay, full participation in public life and calls on all levels of government to fight harmful cultural practices undermining women’s dignity (GoSS, 2011). Donors were heavily involved in providing support for South Sudan after the CPA, and made improvements through technical and infrastructure development in addition to providing humanitarian assistance. While armed groups are dominated by masculinist men, women have played a role in both the independence struggles and the contemporary security sector. For example, women accounted for 25% of the SSNPS, the national police force in 2011 (African Union, 2014). Many were drawn from the forces of the SPLA following the CPA. Even so, the marginalization of women within the security services remains evident. They tend to be assigned stereotypically female roles, “often relegated to administrative roles, sewing and making tea” (Guli & Salahub, 2011: 46). The transitional constitution, thus, had little impact on the lives of most women at a grassroots level.

Following the independence referendum in July 2011, the Southern Sudan Referendum Commission established a gender unit with special advisors, supported by UN Women. With the assistance of civil society groups, the commission raised awareness about women’s rights and voter registration. This action was largely born out of UN gender mainstreaming policies.

Women accounted for 51 per cent of registered voters by the time of the election (UN Women, 2016). The Transitional Constitution of South Sudan (TCSS) adopted upon independence in 2011, included a 25% quota for women in elected positions, however, this quota did not extend to appointed positions. However, the process of drafting the TCSS was characterized by a lack of inclusion and diverse participation (African Union 2014: 41). While this may have contributed to balancing gender inequality in political participation at that time, studies have demonstrated that mere inclusion of women in positions of political power is no guarantee of transformational change. Further instability has also compromised any past gains.

Addressing gender power dynamics is critically important in the context of South Sudanese conflict. Prior to the outbreak of civil war in 2013, efforts to improve the status of women failed to meaningfully account for the patriarchal construction of society, which had been intensified by militarized masculinities. In order to achieve the stated aims of the Women, Peace and Security Agenda, in a country like South Sudan, it is necessary to explore the root causes of SGBV in this context in order to build a peace on a foundation of gender-equality where women are no longer plagued by insecurity. However, before analyzing factors that lead to the frequency and brutality of gendered violence in the country, it is first important to first understand the characteristics of the present conflict. As the following section will illustrate, all warring parties have engaged in violence against civilians, perpetrating particularly severe SGBV against women. This gendered violence reveals the way in which women are treated as objects. Not only are women treated as property that may be stolen from men who are less powerful than the violent perpetrators, they are often considered a commodity — treated as undifferentiated products in the context of conflict-related gendered violence.

Part 3: Extent and Nature of SGBV in South Sudan

The present conflict in South Sudan has made headlines for the brutality and prevalence of SGBV, particularly that which has been perpetrated against women. There are disturbing reports of mass killings, torture and gang rapes perpetrated by actors on all sides of the conflict. In the current context, intersecting gender and ethnic identities increase vulnerability. Dinka women tend to be more at risk of gendered violence during offensives by SPLA/M-IO forces, which are comprised predominantly of Nuer men. Conversely, Nuer women (in addition to Shilluk and Equatorian women) tend to be more vulnerable in areas dominated by SPLA/M government forces, which are comprised predominantly of Dinka men. Other armed groups, such as the ethnically Nuer White Army and SPLA/M aligned Dinka youth militias have also engaged in gendered violence. Women are often raped or abducted as plunder by such groups. Particularly for SPLA/M aligned militias, this abuse of women has been permitted in lieu of payment for their support. Interpersonal violence has also risen, compounding women's insecurity. Their security of person has been consistently compromised. The gendered violence in South Sudan since 2013, thus clearly displays a pattern of women's objectification and violation.

VII. SGBV Perpetrated by SPLA

Although the SPLA-IO forces have been perpetrators, evidence suggests that government forces bear the greater responsibility for committing atrocities. A woman in Bentiu state recounted her experience of SGBV. She deemed the violence perpetrated by SPLA soldiers during the present conflict as far worse than anything she witnessed during the decades of war with Sudan:

For us here as women we are suffering, because after they rape you, they push your Adam's apple/strangle you and you die. They force you to eat the flesh of the dead people. It has also never happened [in previous conflicts] that you rape a woman and then after you kill her. (African Union, 2014: 180)

While it is difficult to ascertain for certain whether or not the brutality of current SGBV marks an escalation from previous conflicts in the region, this is certainly the perception held by locally-based researchers. According to OHCHR, a spring 2015 government offensive in Unity State was “carried out with the apparent purpose of spreading terror among civilians” particularly through SGBV (2016: 7).

Women have been targeted for their real or perceived relationship to rebel fighters. In one instance, an armed man in civilian clothing brutally beat an elderly woman in Leer while denouncing her as the mother of a rebel. She was ultimately shot and killed while her husband was left alive “to suffer” (OHCHR, 2016: 46). Similarly, a woman in Koch was forced to watch the gang rape of her 15 year old daughter by SPLA soldiers after they had just killed her husband. The men allegedly told her, “you are a rebel wife so we can kill you” (OHCHR, 2016: 48). Shilluk women, from a tribal group sometimes aligned with SPLA/M-IO, have also experienced harassment at the hands of SPLA/M soldiers, who taunted them as “wives of Shilluk soldiers” (2016: 62). At times this abuse was displayed through women being detained for questioning, widows being harassed for wearing white mourning beads and Dinka women being singled out, threatened and slapped in front of UNMISS peacekeepers. SPLA/M forces have also attacked UNMISS POC sites, cutting open the stomachs of pregnant Nuer women (African Union, 2014:161). As bearers of the next generation, attacking women's wombs is not only an attack on her as an individual, but an attack on her community as well. In these cases, women were proxy

targets, brutalized by government forces as surrogates for male relatives or their whole ethnic community.

Nuer women and girls have also been treated as chattel by predominantly Dinka government forces, who have also displayed callous disregard for their human rights and dignity. During attacks by SPLA forces, “women and girls were considered a commodity and were taken along with civilian property as the soldiers moved through the villages” (OHCHR, 2016: 49). In one particularly grotesque case, illustrative of the objectification of women, some young women and girls were abducted near a POC site. One girl was apparently killed because the SPLA/M soldiers fought amongst themselves over who should have her. They finally decided none should have her and killed the young girl instead, leaving her body outside the POC site. The rest of the abductees were assumed to have been taken as wives for the soldiers (African Union, 2014: 162).

VIII. SGBV perpetrated by SPLA-IO

Although there are fewer documented attacks by SPLA/M-IO than government soldiers, opposition forces have perpetrated equally disturbing attacks, particularly against Dinka women. Evidence suggests that rape has been used by opposition forces as a punishment for alleged government sympathizers (OHCHR, 2016). However, what began as a political conflict has increasingly developed an ethnic nature. One woman described this dimension of the conflict saying, “We the women thought it was a war in the government only to realize that it was a war between the Nuer and Dinka” (African Union 2014: 24). A report by the African Union described an incident in the town of Bentiu, where SPLA-IO forces apparently captured the town from government control. Rebel soldiers broadcast over the radio a call to all Nuer men saying, “you move around if you find any Dinka woman just rape her, just like that” (2014: 135). In

Jonglei and Bor it appears women mostly from the Dinka ethnic group were sexually assaulted by Nuer SPLA/M-IO armed men, some of whom consistently spoke against the Dinka ethnicity during the attack (ibid.). Again, these attacks appear to not only target the woman, they constitute an attempt to attack not only the immediate victim, but also her ethnic groups by proxy.

IX. SGBV by Other Armed Groups (OAGs)

There are numerous other armed groups who have been engaged in the conflict. At times, groups have aligned with the SPLA/M or SPLA/M-IO. Support for one or the other is primarily dependent on ethnicity. However, Bul Nuer and Jagei Nuer armed youth groups have supported government forces mainly comprised of Dinka soldiers. In practical terms, this means they have engaged in attacks targeting their own ethnic community. In an effort to subdue the SPLA/M-IO, youth militias were called on to fight alongside government forces. With the government under severe financial constraints, there has not been money available to provide a salary to allied militia groups. Instead, between the government and local militias — mainly comprised of youth — there has been an apparent understanding of, “do what you can and take what you can” (OHCHR, 2016: 10). This equates to plunder constituting payment, and facilitates the commodification of women. There is evidence of women being abducted by these groups with older women often used as cattle keepers, while younger girls became used as sex slaves. Whereas in the past, mobilized clan militias — such as the White Army — would be attentive to the direction of community elders, that no longer holds true. Speaking of the SPLA/M-IO’s assembly of the White Army for support in the latest conflict, John Kong Nyuon, then Governor of Jonglei state said: “you cannot mobilise (sic) people who are not under the command of

anyone, because you cannot control them” (African Union 2014, 153). However, in this case former members of SPLA who defected to the SPLA-IO have taken command of White Army militias for specific offensives in retaliation attacks against the Nuer, increasing the militarization of these youth militias.

X. Interpersonal Violence

While much of conflict-related SGBV has occurred during armed offensives against opposition groups, interpersonal violence, particularly in and around POC sites has been a significant issue. Women live in a constant state of insecurity, even in places of sanctuary such as churches, POC sites and hospitals. While it has been illustrated that women were often targeted for sexual violence because they were of the same ethnic background as opposition forces, women have also been at risk of SGBV from men within their own ethnic community. One Dinka woman interviewed by the OHCHR explained, “a woman is a woman to a soldier. A soldier is a soldier; they don’t have their wives here with them so if you go on the wrong way you can be targeted” (2016: 60). Research in other contexts has shown military homes have high rates of domestic abuse (Whitworth, 2004), because men who have adopted militarized masculinities, which characterized by power and violence, continue to act based on that identity even away from the battlefield. It is difficult to precisely ascertain to what extent this type of violence has increased since the outbreak of violent conflict in 2013. As will be demonstrated in Part 4, South Sudan has a history of impunity for domestic abuse and tolerance for sexual violence.

XI. Gender-Based Violence Against Men

Although this paper is primarily focused on the ways in which, SGBV has been perpetrated against women, men also suffer from gendered violence. International dialogue on SGBV primarily focuses on the ways in which women have been victimized, and how they may be agents of change. However, men are vulnerable to violence based on their intersecting ethnic and gender identities. For example, a witness testified that he saw an SPLA/M captain killing Nuer soldiers. The witness said, “they wanted to kill Nuers in the open so that everybody sees what will happen to whoever tries to fight the Dinka government” (African Union, 2014: 141). There are unconfirmed reports of Darfuri men being victims of rape as well (African Union, 2014). The stigma and shame associated with SGBV often leads to underreporting when it comes to violence perpetrated against women. This is even more of an issue when it comes to the same type of violence perpetrated against men. Throughout the war, SGBV has been widespread. Considering the dark realities of the current situation in South Sudan, it is important to consider what factors are fuelling ongoing violence.

Part 4: Making Sense of Contemporary Gendered Violence

In order to understand the prevalence and brutality of contemporary gendered violence in South Sudan, the following section will look back to the status of women and the rise of militarism in society prior to the Juba Crisis of 2013. Patriarchal marital practices which have long existed, positioned women as objects to be owned, sold and traded. Similarly, patriarchy was reinforced through customary law in South Sudan. Women’s human rights were undermined with judgments that consistently favoured men, and punished young girls for crimes, which were not their own. Such patriarchal gender relations “predispose...societies to war” (Cockburn, 2010:

140). While these traditional cultural norms and practices have a long history, they continued in the aftermath of the CPA leading up to the current conflict.

Throughout the Second Sudanese Civil War (1983-2005), militarism became increasingly interwoven with masculine and ethnic identities. These militarized masculinities were evidenced in the mobilization of ethnically based militias, such as the White Army, which were more engaged in combatting other groups within Southern Sudan as opposed to battling the Khartoum government. Although women were also engaged in the struggle for independence as combatants. However, rebel military leaders frequently marginalized women, preferring they make themselves more sexually available in order to birth the next generation of rebel fighters (Jok, 1999). Women's value continued to be tied to their ability to bear children. In the aftermath of the CPA, armed combatants were rewarded with money and commissions in the new national military, which continued to be called the SPLA/M. Instead of demobilizing, this perpetuated an idealized masculine identity characterized by violence, dominance and aggression. Militarism relies on certain constructions of gender identity "privileging who and what is masculinized is inextricable from devaluing who and what is feminized" (Peterson, 2007: 13). This serves to perpetuate gender inequality. The SGBV of the current conflict has its roots in the objectification of women through patriarchal cultural norms, with violence catalyzed by the rise of militarized masculinity.

While there are over 60 different tribes in South Sudan, discussion of traditional cultural norms, ethnicity and masculinity in South Sudan will primarily focus on the Dinka and Nuer tribal groups. These two ethnic groups have closely associated language and culture. In the past, their close relationship has led to intermarriages. As the most populous tribes in the country, persons from these ethnicities have dominated South Sudan's political and military spheres.

Much of the current conflict, and violence during the Second Sudanese civil war has consisted of struggles between these two groups. However, it should be noted that many cultural practices and the militarization of society is consistent with other peoples of South Sudan.

XII. Patriarchal Marital Practices

Dowry, Polygyny and Levirate Marriage

Marriage is a foundational to Nuer and Dinka cultures. In both tribes, the “bride price” or dowry is a central part of the marriage process. Prospective husbands must pay a previously agreed upon sum to the bride’s father. The dowry is paid in cattle, because to the pastoralist societies of the Nilotic Dinka and Nuer, cattle is currency. “Cattle and women are, and have always been the central objects of reproductive exchange and cornerstones of the distinctive Nuer culture” (Skedsmo, Danhier & Luak, 2003: 60). The exchange of these two commodities in the form of a bride price has been seen as essential for ensuring patrilineal continuity. In many cases, suitors engage in a bidding process orchestrated by the bride’s father, with the highest bidder receiving the woman (Beswick, 2001). This bride price may be paid over an extended period of time. A woman is not considered fully married until she has borne her husband’s child. For many Nuer, the marriage is not considered “tied” until the woman has given birth to three children, after which time she and her children become fully embraced as part of the husband’s clan (Jok, Leitch & Vandewint, 2004: 19). If she does not reproduce, the wife may be returned to her father’s family, in which case the dowry must also be returned. This is illustrative of how women are valued only inasmuch as they can provide progeny. The necessary return of the bride price in cases of divorce also serves to discourage the practice making it exceedingly rare, and

also can also leave a woman trapped in an abusive marriage when her family refuses to return the dowry (Skedsmo, Danhier & Luak, 2003).

Both tribes practice polygyny, whereby a man has multiple wives at one time. Men are eager to have many wives. Having many wives is in itself is a symbol of status, but men also desire the enhanced reproductive capacity of polygynous marriage. As a father of many daughters, a man may look forward to gaining great wealth through the bride price. It is also important to note, that a marriage for the Dinka and Nuer does not simply bind a woman to a man. The woman is also bound to her husband's extended family (Beswick, 2001). Levirate marriage was once a common practice, whereby a widowed woman is given as a wife to the brother of the deceased, who performs duties as husband. According to Dinka and Nuer custom, the woman is still technically married to her dead husband, and thus is not permitted to marry outside the extended family. By having children through her brother-in-law, the name of the dead is carried on (Stern, 2011). This practice was intended to provide security for widows, however, displacement during the Second Sudanese Civil War somewhat broke down this aspect of marital culture. Men still wanted many wives, because a large family was seen to provide security. However, they only wanted young virgins, and no longer wanted to provide for deceased relatives' widows who were seen as "second class" (Beswick, 2001: 50). Instead, the woman is again shown to be object, whereby her value is dependent on her ability to procreate.

Dowry Economy & Women's Commodification

While marriage is key to the social fabric of these societies, it is also central to the economies of these pastoralist communities. Cattle have significance amongst many pastoralist

cultural groups in the country. Not only are the livestock a source of masculine wealth and status, a man must also have cattle as a dowry in order to marry. In a study by the United States Institute of Peace, one young South Sudanese man was quoted as saying, “You cannot marry without cows...and you cannot be a man without cows” (Sommers & Scharz, 2011). In that statement, characteristics of a dominant masculinity are voiced. Adhering to the normative conception of manhood demands cattle and a wife. Dowries are not only related to the marriage bond, they have also historically been a key part of rural economies. The bride price became even more significant in the economic uncertainty of Sudan prior to the resurgence of war in 2013. The country’s economic situation was dire. In 2012, South Sudan was the 13th most aid dependent country in the world with ODA accounting for 16.42% of its GNI (OECD, 2015: 58). South Sudan was and continues to be reliant on oil to generate government revenue, a commodity whose global prices have fluctuated dramatically in recent years (Sy, 2015). The country was (and remains) effectively bankrupt. For many people in rural areas, dowries and cattle are their sources of survival. As previously mentioned, this institution confers power and position on males, but also, “increases the vulnerability and insecurity of girls by reinforcing their role as objects of economic value” (Cordaid, 2012: 24). The agency of women and girls has been severely inhibited by a patriarchal institution of the dowry, which perpetuates their commodification and only benefits those who embody a normative masculinity.

XIII. Customary Courts & Patriarchy

Efforts aimed at pursuing justice, have long undermined the rights and agency of women in South Sudan. During the Second Sudanese Civil War, women and children — particularly the ethnically Dinka — were regularly abducted by Darfurian or Kordofanian tribes of the north for

use as wives or slaves. In 1999, the Sudanese Minister of Justice ordered the establishment of the Committee for the Eradication of Abduction of Women and Children (CEAWC), which would oversee joint tribal committees. These committees were comprised of male elders from the offending and the victimized communities who ensured the return of captives. Although these committees were distinct from the customary courts, which will be discussed shortly, they were based on the same system of restorative justice. CEAWC was ostensibly established to preserve the rights of women, but instead, it at times facilitated “the reconstruction of a coercive patriarchal order, perhaps one more coercive than that existing before the war” (OHCHR, 2016: 30). Abductees who found cause to stay in their new communities for a variety of reasons, were deprived of their agency. Joint tribal committees forcibly returned them to the south, and compelled them as unwilling participants in marriages, some leaving spouses and children in the north.

Throughout decades of conflict, Southern Sudan had little judicial oversight from any state governing authority. Two legal systems have operated alongside one another in South Sudan: formal law and customary law. The latter was based on the traditions, norms and customs of South Sudanese communities. With over 63 tribes and numerous sub-clans, customary law has not been uniform across the region, but adopted each community’s unique characteristics (Jok, Leitch & Vandewint, 2004). While the wars with Khartoum weakened the authority of customary courts in some areas, the Transitional Constitution of South Sudan reinstated customary courts as part of a hybrid legal system (GoSS, 2011). What few statutory courts are accessible, tend to be understaffed and under-resourced. Around the time of South Sudan’s independence, as many as 90% of court cases were heard by traditional courts, with individual chiefs sitting in judgment (Small Arms Survey, 2012: 2). While serious criminal charges such as

murder are meant to be under the purview of formal law, in practice, these have often been adjudicated at the local level. There are documented cases of accused murderers receiving the death penalty in customary courts, although it is unclear how frequently such sentences have been dispensed (ICJ, 2013). However, because the system preferences maintaining community bonds above all else, judgments tended to pursue restoration of relationships over punitive action.

The colonial impact on traditional systems of justice cannot be ignored. Whereas many pre-colonial tribes of present-day South Sudan were flat structured, and consequences for transgressing cultural norms were based on community consensus, external forces influenced and transformed societal norms. The British were heavily involved in raising chiefs to be the arbiters of community justice undermining the pre-colonial systems of justice that often involved the use of mediators (OHCHR, 2016). This served to reinforce patriarchal domination over women, by placing male elders in judicial roles they had not previously occupied (Leonardi, Moro, Santschi, Isser, 2010). Customary law is not static, but changes with cultures over time, shifting as a result of external influence and circumstantial realities. However, the male-dominated nature of customary law, strengthened through the colonial era, has remained consistent amongst many ethnic groups in South Sudan.

Patriarchy undermines the impartial delivery of justice in many customary courts. In cases of rape of an unmarried woman, imprisonment is a possible punishment, but more often the case is resolved by compensating the victim's father. It is often preferred that the rapist pay a bride price and take the victim as his wife (Mennen, 2016). Furthermore, when a married woman is raped, it is often considered an act of adultery. Punishments for the woman in cases of adultery vary by ethnic group. In some cases, the woman is not held responsible, while in others she may

be subject to punishments ranging from imprisonment to death. For the male offender, punishment varies as well, but in almost all ethnic groups he is again required to offer compensation, in this case to the woman's husband (Jok, Leitch & Vandewint, 2004). Restitution for a sexual offence is never paid to the woman as victim, but to her closest male relative. These patriarchal compensation practices in cases of rape implied that fathers or husbands were the primary injured party while the woman was merely chattel.

In the masculine setting of customary courts, decisions have often been biased in men's favour, thereby reflecting a dominant masculinity, which values aggression and strength, and perpetuates gender inequality as will be discussed further in the following section. Some degree of violence against one's wife is generally considered acceptable in South Sudanese society (UNFPA & DPK, 2008). A report by the Institute for Justice and Reconciliation documented women's experiences of violence in South Sudan. One participant in the study offered a revealing commentary on gender-based violence in the home and the response of the justice system:

When your husband abuses you at home, he thinks you are his property and that he bought you by paying dowry to the males of your family. If you complain to the civil court, the judge will mostly refer you back to the customary male chiefs in your tribe. You complain to the customary chiefs and they will ask you to obey your husband and follow our community culture, which gives men power over women, and if you insist not to, then you have to face and may bear the consequences, which you can't, unless you have a lot of courage, so we choose to suffer in silence, because we are poor and have no right to object. Actually, we don't know where to find justice. (Aldehaib, 2010:2)

This impunity for violence against women is all too common in the justice system. Masculinities characterized by male dominance and power, are prevalent within the formal and customary courts. Lack of accountability for gender based violence has been normalized, contributing to the prevalence and brutality of SGBV perpetrated in the present conflict.

A further illustration of the ways in which customary law undermined the agency of women is the practice of girl compensation. Particularly in cases where there has been a death, regardless of whether it was accidental or murder, the burden of responsibility falls on the whole community or clan of the offender, not only the individual. Such offences require usually required material restitution for the loss of life. While cattle or money sometimes formed this indemnity, in other cases a young girl from the offending community was given to the community of the victim through 'girl compensation' or 'blood compensation'. This could mean forced marriage or servitude — paying the price for another's misdeed (Mennen, 2016). Although it is now formally outlawed in South Sudan, and discouraged amongst certain communities, the practice still continues. As recently as March 2017, UNMISS reported the case of a seven year old girl whose mother accidentally killed another woman with whom she had been fighting. The girl faces an uncertain future, as it has been agreed that in a few years she will be given to the family of the deceased as compensation for her mother's crime (Dickinson, 2017). While corporate responsibility may have served as deterrence for violent crime in the past, this has also resulted in women or girls being unjustly burdened with unearned punishment. Customary law is in many respects incongruous with established international human rights law (Jok, Leitch & Vandewint, 2004). This further illustrates the extent to which women's rights and security have not been protected in South Sudanese society, wherein the system of justice was, and continues to be corrupted by patriarchy.

XIV. South Sudanese Masculinities and Militarism

Militarism and Ethnic Identity in South Sudan

Decades of war have transformed South Sudanese ethnic identities. As previously mentioned, the pastoralist tribes of the Dinka and Nuer share similar languages, cultures, and have often intermarried. However, violent clashes over resources and political disputes have also characterized relations between the two groups. Warfare has long been a part of traditional Dinka and Nuer cultures. The image of Nuer men as fearsome and brave warriors has been central to the tribe's corporate identity (Skedsmo, Danheir & Luak, 2003). Traditionally the spear had symbolic, almost spiritual significance. However, because of increased access beginning with the Second Sudanese Civil War, "the social significance of guns rose to compete with the spear as a symbol of juvenile masculinity" (ibid.: 61). Furthermore, during this time, the militarization of Dinka culture, "produced an ethos of manliness, tactile necessity, and unity among men, and...subjugated or annihilated other values and civil organizations" (Jok, 1999: 431). This served to enhance gender inequality, by devaluing women's role and marginalizing them as political agents.

The increasing injection of guns into South Sudanese communities, particularly after the 1991 SPLA/M split, also brought a new level of destruction to inter-tribal conflicts over resources. Furthermore, John Garang, then-leader of the SPLA/M and Riek Machar who led the divergent faction, instrumentalized ethnicity and masculinity in order to galvanize support for their respective causes. The number of Dinka and Nuer killed because of south-south conflict during the Second Sudanese Civil War was far more than those killed by the Khartoum government forces (Jok & Hutchinson, 1999). While fighting a war against a common enemy

can be unifying, this was not the case in South Sudan. Political differences, leadership power struggles and interference from Khartoum served to fracture the rebel movement in the south along ethnic lines. A united South Sudanese identity failed to emerge from the struggle.

While militarization polarized the ethnicities of the Dinka and Nuer, it also served to undermine traditional institutions, and transform masculinities. Throughout the Second Sudanese Civil War, many young men left their communities to receive military training in Ethiopia to support the independence struggle (Jok, 2007). Although they were still intimately tied to their ethnic identities, soldiers became removed from the deeply communal nature of traditional warfare, which was often seen to have a spiritual dimension. As is the case with military training of recruits, they were molded and shaped into rebel fighters. In many South Sudanese cultures, warfare was typically viewed as having a spiritual dimension. Culturally, wars were often seen as supernatural punishment for wrongdoing, therefore warriors would adhere to certain codes of conduct in battle so as not to incur more wrath. This was based on masculinities that deferred to tribal elders in matters of war (Jok & Hutchinson, 1999). However, the militarization of masculine identity through this time period, changed the cultural view and nature of warfare. Governance and public life became militarized by the domination of military over traditional institutions. An illustration of the extent to which the military became part of public life, is the fact that military commanders would sometimes become involved in spousal disputes, usurping the authority of customary courts (African Union, 2014: 90).

The White Army

The White Army is a general term used to identify what are in fact numerous disparate clan-based militias in rural areas, typically comprised of young men. These informal forces of

the Nuer ethnic group emerged as cattle protectors during the Second Sudanese Civil War response to decades of lawlessness pervading the country. In contrast to the trained soldiers of the SPLA, SPLA-IO and other formal rebel groups, members of the White Army are militiamen, called to arms for a specific purpose or event before returning to their homes. The basis for their mobilization was typically very localized and concerned with temporary aims as opposed to broader ideological goals (Young, 2007). They traditionally mobilized to protect their local community when issues over cattle rustling or grazing have arisen, but have also been called upon by Riek Machar both in 1991 and when the current civil war began in 2013. If you have a gun, participation in White Army activities is mandatory. Sub-groups of youth were known to engage in attacks on communities for their own purposes — pillaging and raping with impunity (Skedsmo, Danhier & Luak, 2003).

In the aftermath of the CPA, Arnold & Alden noted persistent and interconnected barriers to overcome in seeking to disarm the White Army, such as cattle raiding and blood feuds. As previously mentioned, cattle are an indicator of wealth, status and necessary for the acquisition of wives. While cattle raiding has always been prevalent amongst the Nuer and Dinka of Southern Sudan, the prevalence and violence of such raids intensified over the course of the Sudanese Civil Wars (2007). In the past, community elders would generally intervene in such disputes if they lasted more than a few days, to peaceably resolve conflicts. Warfare weakened the authority of traditional leaders in this regard (Jok & Hutchinson, 1999). Blood feuds — or revenge killings — were also an established practice when all other methods of conflict resolution had been exhausted, but they were far less common. The proliferation of small arms, intensification of violence and weakening of customary methods of resolving disputes, resulted in blood feuds increasingly becoming part of the social fabric (Arnold & Alden, 2007). The same

could be said of the present conflict. One witness to the 2013 violence in Juba explained a dimension of masculine identity in South Sudan saying, “in our African setting...if you touch my brother then you have touched me, I have to fight” (African Union, 2014: 137). The Dinka have a similar clan-based defensive militia called the Gelweng, who have also served as cattle protectors, and have at times allied themselves with the SPLA/M.

Women, Militarism and the Independence Struggle

Women were also engaged in the Second Sudanese Civil War, which began as a fight for autonomy, but ultimately became a war for independence. Lydia Stone described how the SPLA/M, for a short time, formed an all-female unit called the Kateeba Banaat, which means ‘The Girls’ Battalion’ (2011: 27). However, their frontline presence was short-lived. After one failed attack, they were never returned to the armed combat. Women in other armed groups were often not subject to the same strict rules and engaged in armed combat. Even so, the majority of women within armed rebel forces were involved in more traditional feminine roles - cooking, cleaning, and tending to wounded soldiers (ibid.). The presence of women did not undermine the masculinist culture of the rebel forces. As evidenced by the experiences of other military forces, an increased number of women, “does not challenge militarism, but rather coopts women into a hegemonic process” (Henry, 2007: 76). Instead of subverting militarized masculinities, women have often adopted the masculine gender norms of their environment (Baaz & Stern, 2008).

What had a more lasting impact on women and their gendered roles was the SPLA/M reproduction policy during this period. The rebel army leadership were not interested in having women fight, instead they wanted them to reproduce, serving the interests of the independence cause by birthing the next generation of rebel fighters. This “nationalization of the womb,”

frequently led to sexual violence against women, which was justified as part of the independence struggle (Jok, 1999: 428). For husbands who assumed dominance over their wives' sexuality through marital rape, there were no consequences. In contrast, SPLA/M soldiers during the independence struggle were threatened with the death penalty. However, this did not deter men from sexual violence. Even more prevalent than rebel soldiers physically forcing themselves on an unwilling victim was sexual coercion, which was often not viewed as rape. Accordingly, in this militarized context women's gender roles became more sexualized, with men engaged in the liberation struggle coming to "expect sex as compensation for their national sacrifice and as a way to strengthen the struggle" (ibid.: 434). This again illustrates the objectification and sexualization of women in a militarized context, which has led to violations against their persons. The combined militarization of ethnicity, with the nationalization of the womb made women targets for sexual violence in the current conflict.

Militarized Masculinities Post-CPA

In the aftermath of 2005's Comprehensive Peace Agreement (CPA) between Sudan's government in Khartoum and South Sudan's SPLA/M, South Sudan was rife with militarized masculinities, which had formed over decades of conflict. Instead of aiming to deconstruct such notions of manhood, the SPLA perpetuated violent masculinities. A masculine military elite dominated and consolidated power. Throughout the civil war with Sudan (1985-2005), an elaborate patronage system had developed. The transitional government rewarded rebel leaders, failing to engage in disarmament. There remained numerous distinct militias. In 2006, the Juba Agreement annexed many militias into the SPLA which held "the implicit promise of honour among thieves" (De Waal, 2014: 355). Offers of financial wealth, professional advancement and

even marriages in attempts to buy the loyalty of militia leaders have been common (Pinaud, 2014).

If the armed violent man, was not characteristic the hegemonic masculinity before the war, it became so afterwards, as such men were afforded status and power. Fears that dissatisfied combatants could cause internal discord or align themselves with the government in Khartoum, fuelled the rising cost of patronage (De Waal, 2016). Following independence in 2011, the SPLA not only appropriated more combatants, it also doubled military wages (Snowden, 2012). Such corruption, endorsed and facilitated by the political elites, created “dire inequalities between the new [military] aristocracy, its lower strata, and ordinary citizens,” which precipitated the 2013 crisis (Pinaud, 2014: 2011). In the words of Alex de Waal, the country gained independence as a “kleptocracy” (2014: 348).

There was also a “sense of entitlement” on the part of former fighters, which has led to the marginalization of qualified professionals of the diaspora (African Union, 2014: 109). Individuals who were not part of the Sudanese Civil Wars, did not fit the dominant masculinity of South Sudan, which privileges the rebel fighter, and were thus excluded from appointed public office. In this context, as in others, the “struggle credentials,” of militarized masculinities developed through wars of liberation became a “litmus test of political credibility and leadership” (Parpart, 2008: 312). In such situations, the militarization of society can be emasculating from the perspective of civilian men who are faced with a comparatively disadvantaged economic situation (Cleaver, 2002: 72). Instead of engendering peace, this served to contribute to the idealized image of a man as one who holds a gun. Malignant clientelism, the buying of loyalties, was a latent disaster embedded in the political fabric of South Sudan. Men who are left without productive resources in such post-conflict situations, often turned to

violence in the form of domestic abuse, as a way of asserting their masculinity (Sengupta & Calo, 2016). Militarized masculinities developed Southern Sudan's pre-independence wars, undermined gender equality, human security and women's ability to exercise their human rights.

Part 5: Implications for Peacebuilding in South Sudan

Since the fresh outbreak of conflict in 2013, women have played a role in official peace negotiations. However, according to the Global Network of Women Peacebuilders (GNWP), all too often "their presence is merely symbolic, or they are given the role of observers, without taking their insights and needs into account" (Cabrera-Balleza et al., 2014: 11). Likewise, Kelly Case, of The Institute for Inclusive Security, has attributed the numerous breakdowns in peace accords and ceasefires to a lack of meaningful female inclusion in the peace process (2015). Unequal gender power dynamics remain, with women often relegated to the status of ornaments in male-dominated dialogues. All of these efforts to include 'gender' in peacebuilding initiatives are, in reality, simply efforts to include the presence of women. This does not amount to substantive change. Grassroots activism has led to an increase in the gender quota for women in parliament to 30%, but this has not been implemented (Jolaade & Abiola, 2016: 56). While inclusion of women in politics and peace processes is important, this alone will not address the ongoing challenges of gendered insecurity in the country. In spite of disappointing results in formal settings, both women and men have been actively engaged in civil society efforts to mitigate and prevent violence. In Northern Bahr el-Ghazal, for example, women's groups have mobilized a rapid response network to address and report instances of SGBV (UNSC, 2016: 9). However, the hope is that future interventions would be able to prevent such violence, not only provide support in the aftermath.

Traditional masculinist norms which serve to reinforce gender disparities, have not been meaningfully addressed in peace processes. Although the dowry system has long been a fixture in South Sudan's rural economies, it has grown in significance since the resurgence of conflict in 2013. There are numerous accounts of young men raiding cattle to secure dowries and even abducting 'brides' as they seek to gain or retain their position in an increasingly fragile context (BBC News, 2014; UNMISS, 2013; OHCHR, 2016). One respondent to the African Union Commission noted: "Violence has become the means of acquiring resources, of defining status and of defining social confidants." (African Union, 2014: 77) Furthermore, girl compensation, impunity for perpetrators of violence, and other practices which objectify women persist in customary courts. These patriarchal institutions continue to perpetuate gender inequality and violence. Dismantling patriarchy and deconstructing militarized masculinities demand a cultural shift. In efforts to pursue a gender equitable society, men cannot be ignored.

However, even in the midst of the present conflict, there are examples of men who have eschewed the dominant masculinist brutality. One Nuer man testified that shortly after the violence first broke out in Juba, over 400 Nuer men were detained at a police station. They were arrested on the basis of their gender and ethnicity. Dinka police periodically would enter the room where these men were being held and shoot indiscriminately. However, on the third day, a Dinka soldier came and rescued the Nuer man (see African Union, 2014: 141). In another incident in Bentiu, an SPLA/M soldier from Equatoria tried to prevent his fellow Dinka combatant from raping civilian women. Despite the violent masculinities of those around them, these two illustrations point to men who chose an alternative path. Although it is not clear what masculine identity they may have performed in front of their fellow soldiers in other circumstances, these incidents offer hope of subverting the current patriarchal, violent,

masculinities. Furthermore, as Lisa Price has argued, the socially constructed nature of masculine identity in such contexts does not negate individual agency. These soldier-rapists can and should be held accountable (2001).

To fully understand persistent gendered insecurity in South Sudan, it is imperative to examine how patriarchal gender norms and masculinities have been central to the construction of society. This must include consideration of the role of militarism and how militarized identities were perpetuated through the Second Sudanese Civil War leading to independence. In the context of such conflict, conceptions of manhood, and particular forms of masculinities become critically important for galvanizing support and building military strength. Violent masculinist norms and gender inequality can marginalize both women and men who do not behave according to normative gender constructions. Understanding and deconstructing the gendered causes of SGBV in conflict-affected South Sudan is essential for ensuring future peacebuilding initiatives are able to address the drivers of violence, with the potential to lead to lasting peace.

Part 6: Conclusion

Most policies and peace efforts aimed at quelling the violence in South Sudan have not addressed the underlying issue of gender inequality. This paper has sought to identify the root causes of gender violence and insecurity in the country, specifically as it relates to women. Part 1 noted how the international community, as embodied by the United Nations has acknowledged the importance of gender analysis in conflict settings and its consideration in peacebuilding. However, gender mainstreaming has been largely ineffective, while the relationship between masculinities and violent conflict has been largely unaddressed. In South Sudan, peacebuilding efforts following the CPA in 2005 made efforts to include women in dialogue, but none

incorporated a strong gendered analysis. Part 2 explored the nature and extent of SGBV in the current South Sudanese Civil War, where all parties to the conflict have perpetrated brutal gendered violence against women. The intersecting identities of gender and ethnicity have factored into women's vulnerability. However, evidence has shown that all women subject to this violence have been objectified, some abducted as plunder and others violated in order to humiliate the men who are seen to be their possessors.

At the root of this gendered violence was the gender inequitable society prior to the outbreak of conflict in 2013, which was facilitated by patriarchal cultural practices and reinforced by the militarization of masculine identity as outlined in Part 3. Marital practices such as the bride price, treated women as a commodity to be sold and traded. Polygyny and levirate marriage further illustrated the way women are collected by men for their reproductive capacity, so that as fathers, they may trade away their daughters for a dowry, thus enhancing their wealth. Customary law likewise undermined women's security by frequently failing to punish perpetrators of domestic abuse and sexual violence. These traditional courts also undermined girls' autonomy offering them as compensation for crimes committed by another.

The rise of militarism and its infusion into masculine and ethnic identities, was also noted as catalyzing the gendered violence of the current conflict. In the context of conflict, conceptions of manhood, and particular forms of masculinities become critically important for galvanizing support and building military strength. Similar rhetorical notions of masculinities and manhood (corresponding to notions of ethnic identity) can be found in long-term campaigns for emancipation and sovereignty, as seen in South Sudan, which led to its secession in 2011. Women again were treated as sex objects usable for procreation, which was justified as

contributing the liberation struggle. Violent masculinist norms and gender inequality marginalize both women and men who do not live according to their normative gender roles.

In South Sudan, substantive change toward a gender equitable society in which women realize their right to security of person, requires addressing the barriers of patriarchal customs and violent, militarized masculinities. While women have become a part of peace consultations aimed at ending the current South Sudanese Civil War, as explained in Part 5, this is insufficient to ensure the attainment of a gender equitable country. The overwhelming presence of sexual and gender based violence in the current conflict can be understood, in part, by understanding how violent masculine identities developed over decades of conflict. Further insight can be found in engrained patriarchal practices, which perpetuated the objectification and commodification of women. This study has not offered solutions to the problem of SGBV and insecurity. However, it is the author's belief that exposing the underlying causes of gender inequality as well as its manifestations in the norms and practices of South Sudanese society, are the first steps toward addressing contemporary gendered violence.

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