



# It Takes Two Hands to Clap

## Conflict, Peacebuilding, and Gender Justice in Jonglei, South Sudan

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## Abstract

South Sudan became the newest country in the world in January 2011, after 22 years of civil war between the Khartoum-based government of Sudan and the Sudanese People's Liberation Army (SPLA) of the south—the longest of all armed conflicts on the African continent. There is a stark contrast between the rhetoric of post-war unity and peace and the realities of heightened tensions on the ground; the United Nations has warned that escalating inter-ethnic violence threatens to destabilize the country and many regions in South Sudan have “plummeted into self-perpetuating cycles of violence, cattleraiding, banditry and loss of human life. Jonglei state has seen some of the most extreme violence in South Sudan; the Lou Nuer, Murle, and Dinka in Jonglei raid and retaliate back and forth, killing civilians, abducting women and children, and taking cattle. Abductions of women have historically been a part of cattleraiding, but only recently became used extensively as a tool of war, either as an “attempt to directly recover wives” or purely to retaliate. The conflict in Jonglei is a “complex and murky situation to untangle” without one definitive explanation, and the timing and context of many events have contributed to its continuation. In order to create lasting peace in South Sudan, it is imperative to look critically at the complex layers of the driving factors of the recent inter-ethnic conflict in the region. An inductive mixed approach was used during research, including an extensive qualitative analysis of existing academic literature, news articles, and NGO reports, and peace conferences transcripts to explain the root of the conflict in Jonglei state, and the role of ethnic divisions in perpetuating the conflict; to understand the role of women in the conflict as mothers, as daughters, as brides-to-be, and as wives; to explore “abductions”, both their position in the conflict and the way in which they were addressed in the peace process; and to begin an analysis of the roles of women in peacebuilding in South Sudan, particularly in recent Jonglei peace processes. Interviews of government officials, youth leaders, academics, activists, participants in the peace conferences and gender experts in South Sudan were conducted in South Sudan in September, 2012, in both the capital Juba, and in Bor town, Jonglei.

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This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature:

Date:

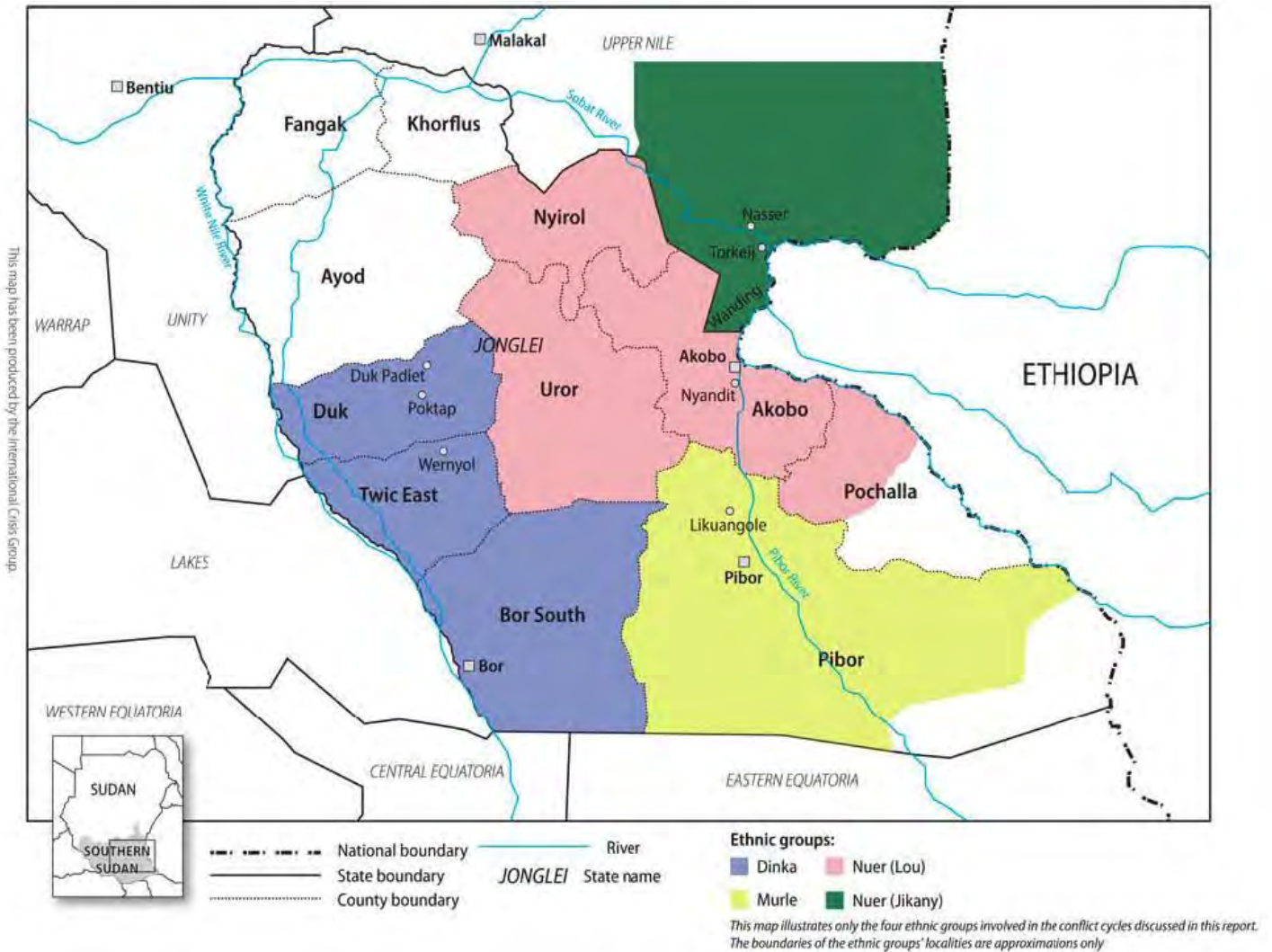
To the brilliant, bold, and courageous women who work to bring peace and reconciliation to  
Jonglei, South Sudan.

“I am a woman, and I do not go to war to kill. I am a woman who bears children, and you are all my children, Dinka and Nuer, all of you are all my children. When Mabior [a bull] was killed on Saturday, it was a male that had to be sacrificed. A female is never killed in sacrifice. Only the male was killed. Now we must bring a second Mabior, a great white bull in all its power. We will also bring a white hieffer that has never given birth. This Nyanyaar will unite with the bull Mabior, female and male, and together they will produce the children of the New [South] Sudan, the new generation. Finally, I will say this. When Mabior was about to be killed, he was very fierce. We women, we joined in, slapping our hands against our thighs as we would rarely do. We united together to pull him down, and sacrificed him. In the same way, if we united our hands, we can bring about the new [South] Sudan (applause).”<sup>1</sup>

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<sup>1</sup> Mother Sadia Mangok, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

## Jonglei State, South Sudan



The ten provinces forming South Sudan cover a vast region (approximately 600,000 km<sup>2</sup>), and there are several hundred different ethnic groups, the largest of which are the Dinka (40%), Nuer (20%), Bari, Shilluk and Azande. In addition to the main languages of English and Juba Arabic, over 400 different dialects are spoken in the region.<sup>2</sup> Jonglei State, in South Sudan's south east, is the largest and most populous state. Jonglei borders Ethiopia in the east, Unity state at the north east, Upper Nile state north east, Kenya in the south, Eastern Equatoria in the south east, Central Equatoria in the west and Lakes state in the north. Jonglei is inhabited by six Nilotic ethnic groups, namely Nuer, Dinka, Anyiak, Murle, Kachipo and Jieh. The state consists of eleven counties and has a population of 1.2 million,<sup>3</sup> 91% of whom live in rural areas.<sup>4</sup> Almost half of the population (48%) in Jonglei lives below the poverty line,<sup>5</sup> and in 2012 over 65% of households suffered from food insecurity.<sup>6</sup>

<sup>2</sup> Henri Myrntinen & Kate McInturff, *Gender, Small Arms and Development: The Case of Southern Sudan*, Peacebuild: the Gender and Peacebuilding Working Group and The Small Arms Working Group, 2008.

<sup>3</sup> Republic of South Sudan Disarmament, Demobilization, and Reintegration Commission website, accessed on 14/2/2013 at <http://www.ssddrc.org/states/jonglei.html>.

<sup>4</sup> South Sudan National Baseline Household Survey, 2009.

<sup>5</sup> Ibid.

<sup>6</sup> World Food Program, *Report on Food Security Monitoring: Special Report on Jonglei State in South Sudan*, February 2012.

*“It is normally said that one hand cannot clap alone. That means that we need both sexes to reconstruct this very vast land.”<sup>7</sup>*

## Chapter 1 | Introduction

South Sudan became the newest country in the world through a referendum to secede from Sudan in January 2011, amidst joyous celebrations and proclamations that peace had finally come to the newly formed nation. South Sudan has claimed it will shape itself “with a commitment to respect the human rights, human dignity and fundamental freedom of all people”.<sup>8</sup> However, there is a stark contrast between the rhetoric of post-war unity and peace and the realities of heightened tensions on the ground;<sup>9</sup> the United Nations (UN) Secretary General Ban-ki Moon has warned that escalating inter-ethnic violence threatens to destabilize the country<sup>10</sup> and many regions in South Sudan have “plummeted into self-perpetuating cycles of violence, cattleraiding, banditry and loss of human life.”<sup>11</sup> According to Geneva-based Small Arms Survey’s Human Security Baseline Assessment (HSBA), competition for land and natural resources coupled with poor governance gives rise to insecurity and causes inter-ethnic clashes.<sup>12</sup> Pastoral violence between migratory nomadic groups and sedentary farmers affects Unity State, Eastern Equatoria, Jonglei and Upper Nile. Eastern and Western Equatoria, Jonglei and Upper Nile are further affected by spill-over from conflicts in neighbouring countries, both from armed groups such as the Ugandan LRA—which based its operations out of Western Equatoria before 2005—and as a result of cross-border pastoral violence.

Jonglei state has seen some of the most extreme violence in South Sudan; cattle-camp youth from the Lou Nuer, Murle, and Dinka ethnic groups in Jonglei raid and retaliate back and forth, killing civilians, abducting women and children, and taking cattle. The age old tradition of cattleraiding among ethnic groups has become increasingly prevalent as a result of a lack of social and physical infrastructure and a lack of viable economic alternatives. At the same

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<sup>7</sup> Hilde F. Johnson, Norwegian Minister of International Development, during the introductory speech at the International Donors Conference for Sudan in Oslo, cited in Karen Karamé, *Sudanese Women and the Peace Process: Priorities and Recommendations for Women’s Inclusion and Empowerment*, Oslo Conference, Norwegian Institute of International Affairs, 13-15 January 2005.

<sup>8</sup> Declaration 2, South Sudan Declaration of Independence, 2011.

<sup>9</sup> Jon Bennet, Sara Pantuliano, Wendy Fenton, Anthony Vaux, Chris Barnett and Emery Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, Netherlands Ministry of Foreign Affairs, IATD Ltd., United Kingdom, December 2010.

<sup>10</sup> United Nations Mission in South Sudan (UNMISS), *In Sudan, August 2009 — Defining Abyei*, Secretary General’s Report, 31 August 2009.

<sup>11</sup> Clement Ochan, *Responding to Violence in Ikotos County, South Sudan: Government and Local Efforts to Restore Order*, Feinstein International Center at Tufts University, 2007.

<sup>12</sup> Claire McEvoy & Ryan Murray, ‘Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North’, *Human Security Baseline Assessment, Small Arms Survey*, Graduate Institute of International and Development Studies, Geneva, 2008.

time the cattle raids have become more lethal due to increasingly bitter inter-ethnic relations, the prevalence of small arms, and political dynamics.<sup>13</sup> Ethnic and political dynamics are intertwined,<sup>14</sup> and smaller ethnic groups who feel politically marginalised—such as the Murle—often fight with larger ethnic groups—like Nuer and Dinka—who dominate the political space; furthermore, political battles are often used as opportunities to raid cattle from neighbouring ethnic groups. Cattle-camp youth play a leading role in this violence.

At the heart of the conflict has been the growing number of abductions of women and children who are taken captive, without recourse to courts or the law. The value they command in a patriarchal economy based on cattle wealth is linked to their fertility, their bride-price, and the practices of arranged and forced marriage. Abductions of women by male cattle-camp youth have historically been a part of cattleraiding, but only recently became used extensively as a tool of war, either as an “attempt to directly recover wives” or purely to retaliate.<sup>15</sup> Although the practice of abduction is recognised as a form of sexual slavery in international law, in the conflict few attempts have been made to arrest perpetrators, even though abduction, forced marriage and rape are illegal under the penal code in South Sudan.

Ten years after a series of reconciliation conferences attempting to end the cycle of violence,<sup>16</sup> thousands of people were killed and hundreds of women were abducted in Jonglei state in retaliatory attacks between the Lou Nuer and Murle communities in 2009. More reconciliation conferences followed, but not only were women not allowed to participate in the conferences, the issue of abductions and sexual violence was not addressed.<sup>17</sup> Women were returned home as a result of the conferences, but their male abductors were not held accountable.

Since 2009, inter-ethnic violence has continued to escalate. At the end of 2011 an estimated 6,000 – 8,000 armed youth, primarily Lou Nuer, launched a series of attacks over 12 days on Murle communities, in retaliation for a Murle raid in Pieri a few months earlier in which over 400 people were killed and almost half of the houses in the town destroyed.<sup>18</sup> Smaller groups of Murle launched counter attacks. Over two thousand people were killed and hundreds of women and children were abducted.<sup>19</sup> The United Nations states that more than 2,600

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<sup>13</sup> Small Arms Survey (3 June 2010), *Small Arms Survey 2010: Gangs, Groups, and Guns*, Cambridge University Press, p. 286. ISBN 978-0-521-19711-3.

<sup>14</sup> *Ibid*, pg 6.

<sup>15</sup> United Nations Mission in South Sudan (UNMISS), *Incidents of Inter-Communal Violence in Jonglei State*, June 2012.

<sup>16</sup> See chapter on [The Wunlit and Liliir Peace Conferences, 1999 and 2000](#).

<sup>17</sup> Anyieth M D'Awol, ‘‘Sibu ana, sibu ana’ (‘leave me, leave me’): Survivors of Sexual Violence in South Sudan’, in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>18</sup> MSF Condemns Large Scale Attacks on Civilians in South Sudan Hundreds Of Deaths Reported; MSF Facilities Burned And Looted.

<sup>19</sup> UNMISS, *op. cit.*, June 2012.

raiding-related deaths were reported in Jonglei from January 2011 to September 2012, and account for more than half of reported deaths in South Sudan.<sup>20</sup> The government-led peace process laid a positive foundation for peacebuilding and reconciliation in Jonglei, but violent raids are continuing.

On February 8, 2013, over 100 people were killed in Jonglei in a rebel group's (David Yau Yau's militia, comprised primarily of Murle) attack on a group of 3,000 Nuer people moving with their cattle towards a river to find better grazing. According to Al Jazeera "The attackers left with cattle and hundreds of children and women who have not reported back to the village."<sup>21</sup> In retaliation, armed Nuer youth entered Murleland in mid-July 2013; although casualties are still unknown, an estimated 120,000 Murle have been displaced. An attack, allegedly by Yau Yau loyalists, on 3 cattlecamps in Twic East on October 20, 2013 resulted in the deaths of at least 78 Dinka people, and scores are still unaccounted for.

The recent escalation of violence is a result of a legacy of mistrust between ethnic groups along wartime political and military fault lines.<sup>22</sup> Beginning in 1983, Khartoum supported militias in Southern Sudan to fight the SPLA, playing on already established inter-communal divisions, and reinforcing existing antagonistic identity misunderstandings and disapprobation. These negative perceptions of ethnic identities continue today, and have risen to "threats of annihilation and elimination through hate messaging, particularly against the Murle."<sup>23</sup>

South Sudan has been decimated by 22 years of civil war between the Khartoum-based government of Sudan and the Sudanese People's Liberation Army (SPLA) of the south—the longest of all armed conflicts on the African continent—during which two million people died and four million were displaced. In 2005, a Comprehensive Peace Agreement (CPA) was signed ending the war and giving South Sudan the right to self-determination. After the "long and heroic struggle of our people for justice, freedom, equality, human dignity and political and economic emancipation",<sup>24</sup> South Sudan's infrastructure is nearly non-existent and its people are tormented by lack of education, lack of access to healthcare, and psychosocial trauma from years of war. In 2010, over 4.3 million people (half of the population) required food aid, and there was a 15% malnutrition rate<sup>25</sup> and acute poverty. Most of the physical and

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<sup>20</sup> Michael Onyiego, 'South Sudan Cattle Clash: 103 Said Killed In Livestock Raid', *Huffington Post*, 10 February, 2013.

<sup>21</sup> Al Jazeera, 'More than 100 dead in South Sudan cattle raid,' *Al Jazeera*, 11 February 2013.

<sup>22</sup> *Ibid.*, p. 6.

<sup>23</sup> United Nations Mission in South Sudan, *Incidents of Inter-Communal Violence in Jonglei State*, June 2012.

<sup>24</sup> South Sudan Declaration of Independence, 2011.

<sup>25</sup> Bennet et al., *op. cit.*, 2010.

administrative infrastructure has been destroyed, and South Sudanese barely have access to essential goods and services.

Women suffer greater than men from the lack of access to basic services and provisions. Lack of education, lack of access to health services, and early marriages (from 12 years) combine to result in extremely high rates of infant mortality (102 per 1,000 live births) and the highest maternal mortality rate in the world (2,054 per 100,000 live births).<sup>26</sup> South Sudanese society is historically strongly patriarchal, and women are severely oppressed. Despite a National Gender Policy (NGP) and the Government of the Republic of South Sudan's (GRSS's) efforts towards empowerment, "this deeply patriarchal society is strongly resistant to changes aimed at empowering women."<sup>27</sup> In South Sudan women are still considered 'property,' owned or controlled by men - typically fathers, then husbands.<sup>28</sup> They are not allowed to legally inherit or own property or land, and so have no ability to be self-reliant or economically independent.<sup>29</sup> While the civil war resulted in a generally low level of education for both men and women, the gender disparity is acute. Ninety two percent of South Sudanese women cannot read and write.<sup>30</sup> According to Lise Grande, the former UN Deputy Resident and childbirth than of finishing school.<sup>31</sup> Forced marriages and early marriages are cited by many to be the primary cause of a high female dropout rate. This is rooted in a culture that sees girls and women as 'economic resources' whose bride price can be a significant source of income for the family.<sup>32</sup> The practice of bride-price and the need to increase cattle wealth to marry is integral to the causes of the conflict in Jonglei, as are the roles of women both as victims of abductions and other gender based violations in the conflict, and often as active supporters of their own communities' raids. Understanding and acknowledging women's importance by providing an opportunity for women's increased participation in peace processes and in peacebuilding and reconciliation initiatives can be extremely useful to promote peace.

The Government of South Sudan brought community leaders together through a recent series of peace talks culminating at the May 2012 All-Jonglei Peace Conference. While women were represented at these conferences, their representation was nominal, and their voice was not given equal attention. Thirty three abductions of women were mentioned in the recommendations, but were only minimally addressed in the conference dialogue, receiving

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<sup>26</sup> Joint Donor Team, "Factsheet — Gender Equality", Joint Donor Partnership to the Republic of South Sudan: Aid from Canada, Denmark, the Netherlands, Norway, Sweden, and the United Kingdom, September 2011.

<sup>27</sup> Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>28</sup> Ochan, op. cit., 2007.

<sup>29</sup> Karen Karamé, *Sudanese Women and the Peace Process: Priorities and Recommendations for Women's Inclusion and Empowerment*, Oslo Conference, Norwegian Institute of International Affairs, 13-15 January 2005.

<sup>30</sup> Lise Grande, Press Conference held on 12 August, 2009. (Quoted in Bennet et al., op. cit., 2010.)

<sup>31</sup> Ibid.

<sup>32</sup> Karamé, op. cit., 2005.

two mentions to contextualise discussions about abductions of cattle and children.<sup>33</sup> For the Jonglei peace process to adequately resolve the inter-ethnic conflict and promote peace, it is important that all people—men and women—participate in it and benefit from it. If women are systematically left out of this process and their experiences marginalized, violence against them will not be adequately addressed and their understanding and expertise will be squandered. Although the Sudanese People’s Liberation Movement (SPLM) speaks of grandiose gender equality, the minimal female inclusion in the May All-Jonglei Peace Conference demonstrates that they are struggling to put those words into action.

The marginalization of women in the Jonglei peace process is indicative of a larger problem in South Sudan. Gender activist Zaynab ElSawi argues that women’s exclusion from peace processes and peace forums in post-conflict South Sudan has been common, since most women affected by the war are illiterate and tend to remain on the periphery of decision-making processes.<sup>34</sup> The prevailing cultural norms in South Sudan “that force women into subservience”<sup>35</sup> are still deeply entrenched and women have limited political voice in the new South Sudan. The peace process in Jonglei has been an exercise of “men with guns [forgiving] other men with guns for injustices against women”<sup>36</sup> instead of a tool to understand women’s role in the conflict, to address abductions seriously and effectively, and to include women in peace talks and in peacebuilding and reconciliation initiatives for community stabilization.

The conflict in Jonglei is a “complex and murky situation to untangle”<sup>37</sup> without one definitive explanation, and the timing and context of many events have contributed to its continuation. In order to create lasting peace in South Sudan, it is imperative to look critically at the complex layers of the driving factors of the recent inter-ethnic conflict in the region: increased access to weapons; the roles and perceptions of women in society, especially in regard to the relationship of cattleraiding and bride-price, and as their role as pawns for punishing an opposing ethnic group through their rape, death, or abduction; lack of education; limited economic opportunities; political tensions and instability and the politicisation of inter-ethnic conflicts; ethnic tensions and perceptions of opposing ethnic groups, particularly stereotyping and conceptualisations of ‘the other’; poor handling of the disarmament

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<sup>33</sup> *Final Report of the Committee for Peace, Reconciliation and Tolerance in Jonglei State*, Jonglei Peace Conference, 1-5 May 2012.

<sup>34</sup> Zaynab ElSawi, ‘Women Building Peace: The Sudanese Women Empowerment for Peace in Sudan’, in Srilatha Batliwala (ed.) *Changing Their World, 2<sup>nd</sup> Edition*, Association for Women’s Rights in Development, 2011.

<sup>35</sup> Asha Arabi, ‘“In power without power”: Women in politics and leadership positions in South Sudan,’ in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>36</sup> Donald Steinberg, Vice President of International Crisis Group, in a speech to UN Department of Peacekeeping Operations, 6 December 2007.

<sup>37</sup> Leben Nelson Moro, Director of External Relations, Centre for Peace and Development Studies, University of Juba, interview with author, Juba, South Sudan, September 6, 2012.

processes; and a 'peace-process' that has not yet effectively addressed each group's concerns. Addressing the core causes of the conflict by exploring issues of the past through dialogue, and creating infrastructure for an inclusive environment of gender equality, can help build sustainable reconciliation and political stability.

In this thesis the author first situates the importance of bride-price and forced marriage from a feminist viewpoint within the context of the local cattle-based economy and cattleraiding, before looking at the social situation of women in South Sudan. She analyses the roots of the conflict in Jonglei state and the role of ethnic divisions in perpetuating the conflict, and interrogates the 2012 All-Jonglei peace processes to determine effective pathways towards authentic and sustainable reconciliation in restive Jonglei. She then examines some of the prevailing explanations for abductions of women and situates the practice within international law on sexual slavery. She concludes by discussing the country's recent initiatives to stop the conflict and argues that South Sudanese women's empowerment is critical within any long-term efforts to stop the practice of abductions and sexual violence, and indeed the ethnic conflict.

## Methodology

An inductive mixed approach was used during research for this thesis including an extensive qualitative analysis of primary sources, including interviews and peace conference transcripts, and secondary sources: existing academic literature, news articles, and NGO reports, to analyse the root of the conflict in Jonglei state, and the role of ethnic divisions in perpetuating the conflict; to understand the role of women in the conflict as mothers, as daughters, as brides-to-be, and as wives; to explore 'abductions', both their position in the conflict and the way in which they were addressed in the peace process; and to begin an analysis of the roles of women in peacebuilding and reconciliation in South Sudan, particularly in recent Jonglei peace processes. Interviews, news reports and NGO reports were used to fill the gaps in academic sources.

Because there is a dearth of published information on the abductions and the role of women in the peacebuilding processes, interviews with government officials, youth leaders, academics, gender experts, activists, women's groups, and participants in the peace conferences were conducted in South Sudan in September 2012, in both the capital Juba, and in Bor town, Jonglei. The interviews were not with a representative sample of women throughout South Sudan, as most were conducted with English-speaking, educated, and often politically active respondents, due to limitations in access and to logistical constraints. To give voice to women at the grassroots, the author interviewed members of a grassroots women's organisation in Bor Town, Jonglei. Although the qualitative data gathered during the interview process is

perhaps not representative of the multitude of views of many women in South Sudan, it nevertheless provides relevant and complex insight into South Sudanese society.

Despite the impact of International actors in South Sudan, the author chose to focus on perspectives and viewpoints of local South Sudanese people. The interview subjects were selected based on their expertise, or their participation in the All-Jonglei Peace process. Eleven in-depth interviews (1-2 hours each) were conducted with mainly South Sudanese (9 of 11) individuals in-country, and a group interview was conducted with 8 members of the Bor Women's Association, through a translator. All of the interviews were recorded, transcribed and analysed using a framework of transitional justice, peacebuilding, reconciliation, and gender justice. Throughout the interviews and the analysis, the author remained keenly aware of her position as an outsider, and understands that there is a danger of ethnocentrism that could result in her evaluating South Sudanese culture by the values and standards of her own culture, which could have both positive and negative impacts on the process and the perspectives contained herein. The author therefore has attempted to rely primarily on South Sudanese perspectives, and positioned her arguments within the framework of both International and African Human Rights law.

## Chapter 2 | Women in South Sudan

“We often say that the worst thing to be in South Sudan is a woman. It’s the worst possible thing. Even the cows are treated better than the women.”<sup>38</sup>

### Social Position

In South Sudan, women face a wide range of discriminatory social, economic and cultural practices. Most women are denied physical and social mobility, and access to land rights and ownership of property, placing access to banking, credit and technology outside of their reach. As custom confines women to the private sphere, traditional condemnation of their interaction with men outside of the family limits women’s access to participation in public life, including their ability to earn an income and to involve themselves in the public sphere. Since the signing of the CPA in 2005, South Sudan has committed itself to ensuring women’s participation, including through a quota system of 25% at executive and legislative levels to ensure gender parity in government,<sup>39</sup> as promised in a 1994 SPLA convention. The new 2011 Transitional Constitution has a 25% quota for women’s representation at the legislative and executive level,<sup>40</sup> and the SPLM proposed an increase to 30% to take effect from March 2013.<sup>41</sup> Although women currently hold 26.5% (88 out of 332) of seats,<sup>42</sup> women’s effective participation in decision making positions is still very low.

Lack of education perpetuates lack of access to both economic independence and political engagement. Only 27% of the South Sudanese population above the age of six has ever attended school, and in 2009 there were 84 students per teacher and 169 students per classroom.<sup>43</sup> Mary Anne Fitzgerald of UNICEF estimates that only 20% of pupils in South Sudan enrolled in primary school are girls<sup>44</sup> while Lise Grande puts the figure around 27%.<sup>45</sup>

In Jonglei, “they don’t have an education. They don’t have an opportunity for an education because there are no schools, literally.”<sup>46</sup> In more ‘urban’ areas where there are schools in Jonglei, the gender disparity is visible. Anne Lino Wuor Abyei, the Jonglei State

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<sup>38</sup> Akinyi Walender, Head of Mission, South Sudan, Cordaid, interview with author, Juba, September 3, 2012.

<sup>39</sup> Ali, op. cit., 2011.

<sup>40</sup> South Sudan Transitional Constitution of 2011 article 142.3

<sup>41</sup> Waakhe Simon Wudu, “SPLM To Increase Women Representation To 30%,” *Gurtong News*, 18 February 2013.

<sup>42</sup> Oxfam (2013) ‘Country Profile: South Sudan’, Canada, February.

<sup>43</sup> State Educational Statistical Booklet, EMIS, Ministry of Education, Government of South Sudan, 2009.

<sup>44</sup> Mary Anne Fitzgerald, *Throwing the Stick Forward: the Impact of War on Southern Sudanese Women*, UNIFEM & UNICEF, 2002.

<sup>45</sup> Lise Grande, Press Conference held on 12 August, 2009. (Quoted in Jon Bennet, Sara Pantuliano, Wendy Fenton, Anthony Vaux, Chris Barnett and Emery Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, Netherlands Ministry of Foreign Affairs, IATD Ltd., United Kingdom, December 2010. )

<sup>46</sup> Akinyi Walender, Head of Mission, South Sudan, Cordaid, interview with author, Juba, September 3, 2012.

Representative of the Gender and Child Committee, describes: “recently when I went to Pokta [in Duk county, Jonglei]...of course the numbers of the girls are less than those of the boys, because the girls have to stay at home and help their moms, in domestic work, bringing water, pounding and grinding of the sorgum, and also they say that when the girls reach their maturity age [and begin menstruating]...they will feel embarrassed [to go to school].”<sup>47</sup> The gender disparity is represented in the county literacy statistics. As mentioned earlier, the generally accepted female illiteracy rate in South Sudan is 92%<sup>48</sup> while the illiteracy rate of men, although still high, is lower—72%.<sup>49</sup> In Jonglei the rates for both men and women are significantly lower than the national level; only 16% of the population 15 years old and above is literate, increasing to 25% for the age group 15-24, lower than the figure for South Sudan which is 27% and 40% respectively.<sup>50</sup> The gender disparity in Jonglei is severe; the literacy rate for males in this 15-24 age group is 33% compared to 16% for females.<sup>51</sup> According to Abeyi “If the girls are educated it will make a lot of impact and difference...But especially now with austerity measures, a lot of dreams...they may just hang up a little bit until when things are fine.”<sup>52</sup>

The literacy disparity is indicative of larger social restrictions. Although women comprise 60% of the population of South Sudan since many men died or were displaced during the conflict,<sup>53</sup> there is still a continuation of the traditional cultural perception of women’s value and primary gender role in the family means that women have limited social and political voice. The traditional subordinate “quiet and invisible role”<sup>54</sup> of women within the household further prevents women from being active in politics, as women who are not allowed to have a role as decision-makers within their households are also expected not to take part in public affairs at the community level.<sup>55</sup> In the absence of men during the conflict, many women took on greater roles in community and household decision-making.<sup>56</sup> Their status began to slowly shift from supporters to providers as new social norms developed, and their awareness

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<sup>47</sup> Hon. Anne Lino Wuor Abeyi, Gender and Child Committee, SMLM WL Representative, Jonglei State, and Session Leader at Jonglei Peace Conference, May 2012, interview with author, Juba, September 6, 2012.

<sup>48</sup> Lise Grande, Press Conference held on 12 August, 2009. (Quoted in Jon Bennet, Sara Pantuliano, Wendy Fenton, Anthony Vaux, Chris Barnett and Emery Brusset, *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*, Netherlands Ministry of Foreign Affairs, IATD Ltd., United Kingdom, December 2010. )

<sup>49</sup> Nada Mustafa Ali, *Gender and Statebuilding in South Sudan*, United States Institute of Peace, Special Report 298, 2011.

<sup>50</sup> South Sudan National Baseline Household Survey, 2009.

<sup>51</sup> South Sudan National Baseline Household Survey, 2009.

<sup>52</sup> Hon. Anne Lino Wuor Abeyi, interview with author, Juba, September 6, 2012.

<sup>53</sup> Karen Karamé, *Sudanese Women and the Peace Process: Priorities and Recommendations for Women’s Inclusion and Empowerment*, Oslo Conference, Norwegian Institute of International Affairs, 13-15 January 2005.

<sup>54</sup> Zaynab ElSawi, ‘Women Building Peace: The Sudanese Women Empowerment for Peace in Sudan’, in Srilatha Batliwala (ed.) *Changing Their World, 2<sup>nd</sup> Edition*, Association for Women’s Rights in Development, 2011.

<sup>55</sup> Karamé, op. cit., 2005.

<sup>56</sup> Ali, op. cit., 2011.

of their own capacities and capabilities grew.<sup>57</sup> “Women do gain from the shifts in gender relations during the war; they may lose their wartime gains in the cusp, in the period between war and peace. Thus the transition from war to peace emerges as a critical moment in the shifting terrain of gender power.”<sup>58</sup> Although a slight transformation of gender roles took place during this time, the shift in terrain has not been significant, and much of the ground that was gained was quickly lost again as men returned home following the end of the conflict. Often in post-conflict settings, governments, communities, and individuals work to reconstruct their society torn apart by war. However, women who may have been empowered during the conflict may desire social transformation rather than ‘reconstruction’ which assumes a return to a previous environment and may restore subordination.<sup>59</sup>

During the civil war, in Southern Sudan, a few women joined as combatants,<sup>60</sup> but most women remained in the villages. These households depended on the ability of women to provide for their families. Even if sole breadwinners for their family, women have historically lacked any ability to achieve complete financial independence and economic stability due to restrictions in family law that limit their rights to assets. Family law is based on customary law, which dictates that women in South Sudan cannot legally inherit or own property or land. This is particularly problematic in the post-conflict society since many women have lost many of their male family members and are self-reliant and economically independent. Women comprise as much as 72% of the agricultural labour force, but can only legally grow food on land which belongs to their fathers or husbands.<sup>61</sup> These restrictions add an additional layer to their already difficult struggle to provide adequately for their families. The current inter-ethnic conflict heightens the difficulty; in 2012 in Jonglei, female-headed households in conflict-affected regions had higher prevalence of poor food consumption,<sup>62</sup> demonstrating the increased difficulty for women to provide for their families. Customary law not only affects a woman’s ability to achieve financial independence, but also often severely hinders her access to justice.

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<sup>57</sup> Karamé, op. cit., 2005.

<sup>58</sup> Sheila Meintjes, quoted in Christine Chinkin, ‘Gender, International Legal Framework, and Peace-Building’, in Kari Karamé, (ed.), *Gender and Peacebuilding in Africa*, Norsk Utenrikspolitisk Institutt, 2004.

<sup>59</sup> Christine Chinkin and Hillary Charlsworth, “Building Women into Peace: The International Legal Framework,” *Third World Quarterly*, Vol. 27 No. 5, pg. 937-957, 2006.

<sup>60</sup> 7% of SPLA, but they were denied active combat positions by the SPLA, according to Annette Weber, Women Without Arms: Gendered Fighter Constructions in Eritrea and Southern Sudan, *International Journal of Conflict and Violence*, 5 (2), pg. 357-370, 2011.

<sup>61</sup> Karamé, op. cit., 2005.

<sup>62</sup> World Food Program, *Report on Food Security Monitoring: Special Report on Jonglei State in South Sudan*, February 2012.

## For the Love of Cattle and Wives

“The whole issue around cattle gravitates around women; they[young men] raid cows to marry, you know, so it keeps going back. So women have a very big role to play in it [the escalation of raids].”<sup>63</sup>

To disentangle the roots of the conflict, one must begin to understand the social and economic value of the cattle. South Sudan has one of the largest populations of pastoralists in the world – as many as 85% of households keep cattle, and most people in South Sudan view cattle as a measure of wealth.<sup>64</sup> The value of cattle lies not only in the important utilitarian aspects of milk and meat provided by the cattle, but also in the role of cattle in bride-price practices.<sup>65</sup> Cows have a socially embedded value, so that when South Sudanese youth talk about girls “they cannot keep off the subject of cattle, for flirting leads to marriage and this involves the transference of cattle,”<sup>66</sup> and old men spend many hours sitting under trees discussing past and present bride-price payments. Almost all South Sudanese engage in traditional practice of paying bride-price, in which payment is made in cattle by the groom to a bride’s family, both to demonstrate his readiness for marriage, to signify her value, and to link the families together. Traditionally, relatives of a young man would all contribute cattle towards his bride-price, and these cattle would be divided up between the relatives of the bride. In the Murle language, people who are related are spoken of as *antenoc*, which means ‘there are cattle between them’.<sup>67</sup> “Of course, the youth are trying to [find acceptance] in their society, where a very big percentage of the communities think you are useful when you get married and you have kids. And getting married involves paying from 40 [cattle (a value of 10,000 USD)] to as many as you want to” says South Sudanese analyst Geoffrey Duke.<sup>68</sup>

In South Sudan, what is understood and legally recognised as ‘marriage’ is often arranged marriage, in which the families of the bride and groom agree upon and arrange the union. These types of marriage are the cultural norm and are supported in customary law. Forced marriage, in which one or both of the parties (usually the bride) is married without his or her free and full consent, is addressed in the Transitional Constitution in Article 15 (The Right to Found a Family), which states that “no marriage shall be entered into without the free and full consent of the man and woman intending to marry”,<sup>69</sup> but often still takes place outside the

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<sup>63</sup> Walender, Head of Mission, South Sudan, Cordaid, interview with author, Juba, September 3, 2012.

<sup>64</sup> Bazette Lewis, *The Murle, Red Chiefs and Black Commoners*, Oxford University Press, Great Britain, 1972.

<sup>65</sup> Sharon Elaine Hutchinson & Jok Madut Jok, ‘Sudan’s Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities’, *African Studies Review* Vol. 42 No. 2, pp 125-145, 1999.

<sup>66</sup> Lewis, op. cit., 1972.

<sup>67</sup> Ibid.

<sup>68</sup> Geoffrey L. Duke, Programs Coordinator, South Sudan Action Network on Small Arms (SSANSA), interview with author, Juba, September 7, 2012.

<sup>69</sup> Transitional Constitution, 2011: Bill of Rights Article 15

reach of the law. Polygamy is legal and widely accepted in South Sudan, and young men often endeavour to marry many wives, thereby increasing their need for cattle acquisition.

The payment of bride-price is not unique to South Sudan. The custom of bride-price dates back as far as 3000 BC, and has existed during the history of many countries. In 1967, two-thirds of societies recorded in Murdock's World Ethnographic Atlas engaged in the practice of bride-price; in the 1980s it existed in the major cities of Egypt, Syria, Zaire, Uganda, and Iran; and today it is still pervasive in rural areas of China and is near universal across sub-Saharan Africa.<sup>70</sup> In the African context, marriage occurs not just between individuals but between their respective clans, and the primary purpose of the bride-price is to create an alliance between kinship groups.<sup>71</sup> Therefore, contributions will come from the groom's father, grandfather, and uncles, and they will be distributed among many members of the bride's extended family—since in this setting the entire lineage group has rights to the woman.<sup>72</sup> Since women join the groom's household with marriage, the bride-price is considered to be the payment a husband owes to a bride's parents “for the right to her labour and reproductive capabilities”.<sup>73</sup> Siwan Anderson further states:

“In theory, bride-price could be interpreted as explicit recognition and valuing of women's productivity and contribution to marriage; in practice, it often serves to limit women's control over their bodies”.<sup>74</sup>

African feminist scholar Sylvia Tamale states that there are two main reasons why patriarchal societies need to regulate and control the sexuality and reproductive capacity of women: “to keep women's bodies in the domestic arena, where, as ‘decent wives’ and ‘good mothers’ they remain dependent on their breadwinner husbands” and:

“to guarantee the paternity and legitimacy of the children of the marriage. This is considered vital to ensuring that descent through the male line is retained and that property is bequeathed to the husband's offspring.”<sup>75</sup>

Using reproductive capabilities to define a woman's value is considered a violation of reproductive rights.<sup>76</sup> In a study on the relationship between bride-price and domestic violence in Uganda, Muthegheki *et al* argue that the process of bride-price prescribes

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<sup>70</sup> Siwan Anderson, ‘The economics of dowry and brideprice’, *Journal of Economic Perspectives*, Vol. 21, No. 4, pg 151-174, 2007.

<sup>71</sup> Marleen Dekker & Hans Hoogeveen, ‘Bridewealth and household security in rural Zimbabwe’, in *Journal of African Economics*, Vol. 11, No. 1, pg. 114–145, 2002.

<sup>72</sup> Anderson, *op.cit.*, 2007.

<sup>73</sup> *Ibid.*, pg. 158.

<sup>74</sup> *Ibid.*, pg. 170.

<sup>75</sup> Sylvia Tamale, ‘The right to culture and the culture of rights: A critical perspective on women's sexual rights in Africa’, in *Sex Matters*, Urgent Action Fund for Women's Human Rights, pg. 159, 2011.

<sup>76</sup> Women and Law in Southern Africa Research Trust, ‘Lobola: Its implications for women's reproductive rights in Botswana, Lesotho, Malawi, Mozambique, Swaziland, Zambia and Zimbabwe’, Zimbabwe: Weaver Press, 2002.

women's roles in the marriage and ensures their subordination to their husbands.<sup>77</sup> While the practice traditionally was meant to protect women within marriages by providing them with respect, status and acknowledgement within society, today the practice has lost most of its traditional values through commercialisation.<sup>78</sup> Practices that view wives as commodities are therefore abuses in themselves as they can contribute to abuse towards the wife if she is perceived as not fulfilling her 'value'.<sup>79</sup>

The bride-price is a strong economic feature in South Sudanese society and "the need to afford bride-price payments gives men an important motivation to accumulate wealth."<sup>80</sup> Since the end of the civil war, the bride-price has increased significantly. Once the CPA was signed in 2005, men looked to increase their herds and marry;<sup>81</sup> according to an unpublished UN report, bride-prices increased by 44% following the CPA.<sup>82</sup> Among the Lango community in Eastern Equatoria, for example, a wife costs 40-50 heads of cattle, in contrast to the pre-war price of 15-22.<sup>83</sup> In Jonglei, the prices are extremely high: in the Murle community, young men have to pay "at least 56 to 50 something [cattle] to marry a girl. It's a lot of cattle."<sup>84</sup> According to the Jonglei representative on the Gender and Child Committee, Anne Lino Wuor Abyei, "in the past, people used to say it may not exceed about 30 cows in some places, and it depends whose daughter you are marrying and how beautiful she is, how tall ... all these factors were also part of reasons why the bride price can really go up, or if she is pretty and there is competition."<sup>85</sup> Now, in Juba, there have been reports of rich men paying upwards of 200 cows to marry.

As demonstrated, the bride-price is a crucial economic feature in South Sudanese society and "the need to afford bride-price payments gives men an important motivation to accumulate wealth."<sup>86</sup> A limited economic environment puts great pressure on young men to conduct successful raids for cattle to pay the bride-price.<sup>87</sup> Anthropologist Jon Arensen links bride-

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<sup>77</sup> Saad Baluku Muthhegheki, Kule Sausi Crispus & Naeemah Abrahams, 'An exploratory study of bride price and domestic violence in Bundibugyo District, Uganda', Centre for Human Rights Advancement, 2012.

<sup>78</sup> Saad Baluku Muthhegheki, Kule Sausi Crispus & Naeemah Abrahams, 'An exploratory study of bride price and domestic violence in Bundibugyo District, Uganda', Centre for Human Rights Advancement, 2012.

<sup>79</sup> Miria Matembe, 'The relationship between domestic violence and bride price', paper presented at the International Bride Price Conference, MP Mbarara and Pan African Parliamentarian, February, Kampala, Uganda, 2004.

<sup>80</sup> Stern, op. cit., 2011.

<sup>81</sup> Small Arms Survey, 'My neighbour, my enemy: Inter-tribal violence in Jonglei', *Sudan Issue Brief*, No. 21, October, Human Security Baseline Assessment, 2012.

<sup>82</sup> Marc Sommers & Stephanie Schwartz, *Dowry and Division*, United States Institute of Peace, Special Report 295, 2011.

<sup>83</sup> Ochan, op. cit., 2007.

<sup>84</sup> Peter Guzulu, former Chairman of Human Rights Commission of Jonglei State, interview with author, Juba, September 7, 2012.

<sup>85</sup> Hon. Anne Lino Wuor Abyei, Gender and Child Committee, SPLM WL Representative, Jonglei State, and Session Leader at Jonglei Peace Conference, May 2012, interview with author, Juba, September 6, 2012.

<sup>86</sup> Stern, Orly. 'This is how marriage happens sometimes: Women and marriage in South Sudan' in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>87</sup> McEvoy & Murray, op. cit., 2008.

price to increases in Murle raiding, stating that when “the members of a *buul* “age-set”<sup>88</sup> became a little older (late 20s) they became interested in marriage and they needed cattle to pay the bride-wealth. Such a *buul* would step up the number of raids to gain the necessary cattle for marriage.<sup>89</sup> Abye confirms this: “the young people also say, ‘yes, if we want to marry, we need to go and get cattle’”.<sup>90</sup>

A number of interviewees suggested fixing the bride-price may stem the escalation of raids arising from increases in bride-price. According to gender expert Akinyi Walender, “the price of [bride-price] used to be fixed and after every period of time the men would sit at the marketplace and fix the price of [bride-price]. The last time the price of [bride-price] was fixed was 20 years ago when the Dinka elders basically sat down and did that. That’s when the war broke out again and they’ve never had an opportunity since then.”<sup>91</sup> While Chair of the Human Rights Commission in Jonglei, Peter Guzulu met with Murle chiefs in 2011 in an attempt to fix the bride-price across Murleland. He described his experience as follows:

“We proposed in Murle, we said ‘now what is causing all this raiding is the number of cattle’. We said, ‘okay, make it at least 30’. Simple. Then, civilians refused. They say, ‘okay you go and tell your family, when the girl is married from the family, give those people by 30 head of cattle. But MY daughter, I will give somebody by 56. It is the daughter who is going to charge the cattle, it is not me. And even if they are going to discuss about marriage, I will not be present.’ So they charge the way they want. That’s why our proposal didn’t work. It is still 50 something [heads of cattle]. Because you don’t have control. He is a civilian, he can stay even where you don’t know. You don’t know when his daughter will be married, married by whom, you don’t know. There is no way! We tried. [laughter] We tried. We tried.”<sup>92</sup>

Despite efforts to fix the price of bride-price, it remains high and continues to increase. This has negative effects on the way women are perceived within their families and by other community members. “Because the price of [bride-price] is so high, it affects the way women are treated. Women are seen as objects, literally,”<sup>93</sup> says Walender. The rising bride-price has had a negative effect on female youth, who continue to be perceived as property to generate family wealth.<sup>94</sup> Each wife is expected to produce many children to replace the cows her husband’s family paid for her in bride-price. One of the primary reasons men endeavour to marry many wives is because many wives means many daughters, who can then bring many

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<sup>88</sup> For greater exploration of *buul*, see chapter on [Ethnic Identities: Misunderstandings and Misappropriation](#).

<sup>89</sup> Jon Arensen, “A Memorandum in Defense of the Murle People,” 4 February 2012.

<sup>90</sup> Abye, interview with author, Juba, September 6, 2012.

<sup>91</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>92</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>93</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>94</sup> Sommers & Schwartz, op. cit., 2011.

cattle to the family when they are married. “A female is only as valuable as the number of cows she can bring”.<sup>95</sup>

In the bride-price transactions, very young girls are vulnerable to being forced to marry much older men, as older men are able to afford a higher bride-price. According to the 2006 South Sudan Household Health Survey, close to half (48%) of South Sudanese girls between 15 and 19 are married,<sup>96</sup> and some are married as early as 12 years old. Early marriage is viewed as a way to protect against pre-marital sex and unplanned pregnancy, which would dishonour the family and drastically lower the bride-price they could receive.<sup>97</sup> Today, in conjunction with increased raiding, men are also marrying younger and taking more wives.<sup>98</sup> Throughout the marriage process, the opinions of “women are neglected. Men create the [bride-price] and they want to make the decision.”<sup>99</sup>

Commenting on women’s rights in such marriages, former chairman of the Human rights Commission in Jongei state, Peter Guzulu stated:

“Women here are just still treated like objects for their family. Say for example if your father gave you to a man, it is not up to you to accept or refuse. It is mandatory and you have to accept, of course. Even if you are facing a lot of challenges and you try to escape, your family alone will force you to go back.”<sup>100</sup>

Orly Stern, writing about women in South Sudan, supports this claim, stating that if family members have an economic stake in a marriage, they may see “the continuation of a marriage more important than ensuring the well-being and protection of the wife”<sup>101</sup> since a divorce would require a full repayment of the bride-price. There is a common belief that domestic violence is a normal means to discipline a wife,<sup>102</sup> and high bride-prices are related to domestic violence: “high payment of [bride-price] has increased the pain. [The husband is] paying so many cattle [for you], so he mistreats you.”<sup>103</sup>

Women’s access to divorce is further hindered by South Sudan’s dual legal system that differentiates between the public and the private spheres; women’s rights are confined to the private sphere, and all matters concerning marriage and the family are relegated to customary

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<sup>95</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>96</sup> Human Rights Watch, “This Old Man Can Feed Us, You Will Marry Him,’ Child and Forced Marriage in South Sudan”, *Human Rights Watch*, 2013, pg. 4.

<sup>97</sup> Sommers & Schwartz, op. cit., 2011.

<sup>98</sup> Interviews with South Sudanese and pastoralist experts, Juba, February-March 2012, Small Arms Survey, op. cit., 2012.

<sup>99</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>100</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>101</sup> Stern, op. cit., 2011.

<sup>102</sup> Ali, op. cit., 2011.

<sup>103</sup> Girl from Benitu, Unity State, interviewed by Sommers & Schwartz, op. cit., 2011.

courts, which often reinforce patriarchal values. In *Customary Law and Women's Rights in a Changing World: the Case of Southern Sudan*, Amel Aldihaib explains that:

“Customary law has continued to work in accordance with gender inequalities and the patriarchal system embedded in [South] Sudanese culture, and in most cases women are punished by the custodians of customary law for not obeying the orders of male family members.”<sup>104</sup>

Additionally, customary law severely hinders a woman’s physical inviolability and her access to justice, especially if she is sexually assaulted. Under customary law, the rape of a woman is not considered a crime against her, but instead a crime against the man's property. Although the South Sudan Penal Code contains laws against rape which dictate that a convicted perpetrator should be jailed for a minimum of 14 years, in addition to paying agreed fines, disputes involving gender based violence (GBV) are often settled through customary law. In contrast to the penal code, customary law holds that a woman who is raped must marry her rapist, who is required only to pay a bride-price to the victim’s parents.<sup>105</sup>

In the South Sudan Transitional Constitution of 2011, two conflicting interests exist side by side: while espousing progressive human rights and equality, it also includes a provision to honour family and customary law:

“While customary law is a fundamental component of cultural identity, it nevertheless reinforces and institutionalises elements that perpetuate gender inequality and human rights violations”.<sup>106</sup>

Customary law therefore creates a complicated web of relationships which serve the social, psychological and economic self-interest of men in the family structure and bring women into a position of subordination and inequality.<sup>107</sup> Thus, women in South Sudan are trapped between two incompatible legal systems with little power to assert their equal rights. In her article ‘The right to culture and the culture of rights: A critical perspective on women’s sexual rights in Africa’, Sylvia Tamale argues that culture can be transformed to bypass the polarity that exists between ‘rights’ and ‘culture’ in order to achieve social transformation. Instead of using a western right’s based framework that is alien to many Africans, she argues that creative deployment of more familiar positive cultural norms and values can be used to radically transform women’s sexuality within culture.<sup>108</sup> This approach envisions a positive

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<sup>104</sup> Amel Aldihaib, *Customary Law and Women's Rights in a Changing World: the Case of Southern Sudan*, edited by Elizabeth Lacey, forthcoming 2013.

<sup>105</sup> Ochan, op. cit., 2007.

<sup>106</sup> Bennet et al., op. cit., 2010.

<sup>107</sup> Amel Aldihaib, *Customary Law and Women's Rights in a Changing World: the Case of Southern Sudan*, edited by Elizabeth Lacey, forthcoming 2013.

<sup>108</sup> Tamale, op. cit., 2011.

cultural reconstruction which allows for the fulfilment of sexual rights: “respect for bodily integrity; protection from violence; the right to privacy; right to decide freely the number, spacing and timing of children; right to sexuality education; equal protection of the law and non-discrimination”.<sup>109</sup>

## Expectations

In South Sudan the role of a woman is primarily that of wife and mother. As discussed, women are given by their parents to husbands in exchange for bride-price, and the children they produce for their new family will replace the cows payed by the husband’s family for the bride-price. Any attempt to understand the challenges facing women in South Sudan must situate the important cultural implications of the gendered roles of wife and mother in the foreground. Orly Stern, writing in *Hope Pain and Patience: The Lives of Women in South Sudan*, states that marriage is a central and vital part of a woman’s identity and status: “almost all aspects of her life are influenced by marriage, making this the paramount institution in determining a woman’s well-being”.<sup>110</sup> A woman’s primary social value, and in turn her self-worth, revolves around her ability to produce children: to further the ancestral line, if the children are male, and to add to the wealth of the family, if the children are female. There is not access to family planning, nor a cultural understanding of a woman’s right to family planning or a cultural acceptance for this way of thinking.

If women’s present social and subjective sense of worth is gauged by meeting their gendered roles and their reproductive capacity, it was these very capacities that were notably held to be the most important women’s front to defend during the Second Sudanese Civil War. Dr. John Garang, leader of the Sudan People’s Liberation Army and later First Vice President of Sudan before his death in 2005, called for women to contribute to the liberation struggle by maintaining “the reproductive front”.<sup>111</sup> In his call to action he rallied women by encouraging them to see their wombs as belonging to the liberated Sudan:

“The war is a responsibility for all; some must die in order for the whole to live...It is a war to be fought from all fronts and for generations, and women’s front is reproduction...If we fail on that front, we lose the war”.<sup>112</sup>

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<sup>109</sup> Tamale, op. cit., 2011, pg. 150.

<sup>110</sup> Orly Stern, ‘This is how marriage happens sometimes: Women and marriage in South Sudan’ in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011, pg 22.

<sup>111</sup> Jok Madut Jok, ‘Militarization and gender violence in South Sudan’, in *Journal of Asian and African Studies*, Vol. 34, No. 4, pg. 428, November 1999.

<sup>112</sup> Jok Madut Jok, ‘Militarization and gender violence in South Sudan’, in *Journal of Asian and African Studies*, Vol. 34, No. 4, pg. 428, November 1999.

Women who were interviewed by Lydia Stone about the rallying call to women during the Second Sudanese Civil War have framed this as a positive policy that represented women's important part in the war and in the future South Sudan,<sup>113</sup> however, Jok Madut Jok, has offered a more critical view that considers the gender violence that would result. He argued that the "nationalisation" of women's wombs resulted in young violent men assuming rights over women's sexuality, which reinforced men's domination over women and led to increased rape within South Sudanese society. This violence, he argued, was "replicated and socially reproduced"<sup>114</sup> within families and their larger communities.

The reproductive pressure women face to provide many children can hinder their ability to be active in the public sphere. When asked the whereabouts of a woman who was active on the post-CPA political stage, Akinyi Walender explained that she had since had 5 children and was expecting one more, and because of her familial responsibilities, she was not able to participate in politics as she once had:

"The thing is she has to live within that mould of her society because where would she go? She would not be able to get anywhere, you know? But imagine if she could stand up and talk in front of all of those people, can you imagine what else this woman could possibly do?! But now how would she be able to do that when she has so many children to take care of? And she is still giving birth. So there are those tensions between what women want to do and what the expectations are on them, you know, how do you really balance that? You know it's so hard for the South Sudanese women it's so hard. It's so hard. It's really tough. It's very tough."<sup>115</sup>

Lam Cosmas illustrated the complex challenges of navigating peacebuilding efforts within a social context in which women are valued for a high reproduction rate. He explained that *Peace from the Roots* trained women as peacebuilders, but that often the women who had been trained would not be able to fulfil their role as peacebuilders within their community because they instead had to fulfil their role as mothers. "At this last meeting, my colleagues went...and tried to ask that we got some key women from Bor town to participate, and there were two women that got counselled, and now when they went back now they have just delivered [children], so they are out."<sup>116</sup> This may be because they may have been discouraged by their husbands, because there is no access to childcare, or as Peter Reat Gatkuoth discusses, "simply because the traditional beliefs and customs have made [women] to be neglected [from politics] as the part of the population that [only] deals with certain roles

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<sup>113</sup> Lydia Stone, "'We were all soldiers': Female combatants in South Sudan's civil war", in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>114</sup> Jok, op. cit., 1999, pg. 428.

<sup>115</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>116</sup> Cosmas, interview with author, Juba, September 4, 2012.

such as nurturing, home duties or socialization of children.”<sup>117</sup> This rigid social order that follows the common doctrine of the position of women as wives first and foremost, and recognises distinct feminine and masculine spheres of activity<sup>118</sup> “constrains women’s opportunities to contribute to, and benefit from, the ways in which all societies change across time.”<sup>119</sup> Defining women within their social context of wives and mothers can perpetuate the subordination that occurs within and through the culturally accepted norms.

The practice of bride-price is integral to the causes of the conflict in Jonglei; cattle acquired during raids are used to pay rising bride price, and women who are abducted are valued because they bring their reproductive capacity and labour into the abductor’s family without the cost of a bride-price. Women also often play supportive roles in the raids, encouraging and celebrating raiders from their community through songs and feasts.

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<sup>117</sup> Peter Reat Gatkuoth, “Gender Equality and the Human Rights Concern in South Sudan”, *South Sudan Net*, accessed at <http://southsudan.net/gender.html>.

<sup>118</sup> Hilary Charlesworth and Mary Wood, "Women and Human Rights in the Rebuilding of East Timor," *Nordic Journal of International Law* 71, no. 2, 2002, p325-348.

<sup>119</sup> Moira Gatens, “Can Human Rights Accommodate Women’s Rights? Towards an Embodied Account of Social Norms, Social Meaning, and Cultural Change”, *Contemporary Political Theory*, vol. 3, p275-299.

## Chapter 3 | Roots of the Jonglei Conflict

### Cattleraiding

Cattleraiding has been occurring in Jonglei since “time immemorial”.<sup>120</sup> Cattle are integral to the economy and culture of the people of South Sudan, and youth in cattle-camps have historically fought both to protect their own cattle, and to acquire cattle from their neighbours.<sup>121</sup> According to one Dinka Gok man, cattle are “...the same thing as life. We eat from them and we get married from them.”<sup>122</sup> Although strong arguments have been put forth linking rising bride-price to an increase in cattleraiding, Geoffrey Duke, Programs Coordinator at the South Sudan Action Network on Small Arms (SSANSA), explained that “in some communities, [society] places cattle rustling as a sports activity. So, you don't play to get married, you just play to win the game, and when there is that aspect of game in cattle rustling, you don't pay much attention to where you use the cattle that you have raided.”<sup>123</sup>

In many South Sudanese cultures, there is great prestige in capturing cattle. According to Reverend John Chol Daau, “youth raid cattle because they can increase the number of their cows; I mean it has some prestige.”<sup>124</sup> Peter Guzulu says that, “within the [culture], it is just something to show that they are men, warriors.”<sup>125</sup> “So if you have so many marks [or scars representing men killed in battle] you are considered a hero,” says Geoffrey Duke, “so all the young boys are missioning to get ‘height’: who did well [is] who was able to raid.”<sup>126</sup> “But,” says Jonglei State Director for Community Security and Small Arms Control Aguti Adut, “for you to get the cattle you must kill the owner of the cow. Because you cannot take that cow if that person is alive.”<sup>127</sup>

Although in the past, cattleraiding was driven purely by a desire to increase wealth and to gain status as a raider, the reasons for the recent violent cattle raids are more complex. Guzulu elucidates, “it has involved politics, and also disarmament. Some people are just doing it to get wealth as it used to be, some people of these days maybe are going to kill for revenge,

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<sup>120</sup> Akinyi Walender, Head of Mission, South Sudan, Cordaid, interview with author, Juba, September 3, 2012; Geoffrey L. Duke, Programs Coordinator, South Sudan Action Network on Small Arms (SSANSA), interview with author, Juba, September 7, 2012; and Guzulu, interview with author, Juba, September 7, 2012.

<sup>121</sup> John Young, *The White Army: An Introduction and Overview*, Small Arms Survey, Sudan Human Baseline Assessment Project, 2007.

<sup>122</sup> Research team led by Mareike Schomerus and Tim Allen, “Southern Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace,” *DESTIN*, 2010.

<sup>123</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>124</sup> Rev. John Chol Daau, Sudan Council of Churches, Co-facilitator of Jonglei Peace Conference, May 2012, interview with author, Juba, September 4, 2012.

<sup>125</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>126</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>127</sup> Aguti Adut, Jonglei State Director for Community Security and Small Arms Control, interview with author, Bor, September 10, 2012.

maybe for torture, for the rape against their families and so on, others are going to fight the other ethnic group for the political reason. All of these [factors] these days are now combined.”<sup>128</sup> These factors are exacerbated by increased access to weapons, lack of education, limited economic opportunities, and extreme poverty. Cattleraiding has also become “a little bit sophisticated.”<sup>129</sup> The use of powerful artillery during raids—including semi-automatic rifles and rocket-propelled grenades: relics of the war, or acquired from the SPLA, from rebel leaders in South Sudan, or from across the porous borders—has elevated raiding to an increasingly destructive practice. “In all these warring areas, everybody has gone militant, so whether they are trained or they are untrained, they have guns. And coupled with loneliness and the rule of law being gone”<sup>130</sup> the violence of raids has reached new levels.

Raiding parties have grown from small groups of cattle-camp youth to large and well organized battalions. “In olden days, ten people who are from the same village or same area can go to *lokatio* [raid]”<sup>131</sup> but the recent raids have been politicised and have involved hundreds or thousands of raiders. “How can civilians gather into thousands unless it is politicised, unless there is good communication to bring them all together? That’s why it is different [now].”<sup>132</sup> Although Murle still usually raid in small mobile groups of between 2-20 people, the Lou Nuer have organized into a strong fighting force dubbed “the White Army” (which fluctuates in size, but has been reported to be at its strongest between 6000 and 11,000 people) and Murle, Nuer and Dinka both attack and partake in revenge attacks with increased violence. “Militarised segments on both sides of this ethnic divide have sought to rationalise their increasing viciousness as retaliations for abominations earlier experienced.”<sup>133</sup> Professor Leben Nelson Moro at the University of Juba emphasises the culture of revenge within the current raiding cycle, explaining the mind-set of many raiders that “my cattle were taken long, long time ago, and I have the opportunity, and my people were killed, I revenge. I take back what was taken from me. So if I know that you don’t have any deterrents, I come. Please. Bring the cows.”<sup>134</sup> According to Aguti Adut, the Jonglei State Director for Security and Small Arms Control, “the Murle, they were coming, revenging, because the Lou Nuer went, and he killed Murle, so the Murle was revenging to the Lou. The matter was the

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<sup>128</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>129</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>130</sup> Biel Boutros Biel, Executive Director, South Sudan Human Rights Society for Advocacy, interview with author, Juba, September 6, 2012.

<sup>131</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>132</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>133</sup> Sharon Elaine Hutchinson & Jok Madut Jok, ‘Gendered Violence and the Militarisation of Ethnicity: A Case Study from South Sudan’ in Richard Werbner (ed.), *Postcolonial Subjectivities in Africa*, Zed, London, 2002, pg. 97.

<sup>134</sup> Moro, interview with author, Juba, September 6, 2012.

revenge, and they mobilised themselves in a group and they came. And then Lou mobilised themselves and they went also.”<sup>135</sup>

As the violence of the raids has increased, the victims of attacks have become not just the cattle-camp youth and men as warriors, but the elderly, the women, and the children. In the past, the killing of women and children was regarded by South Sudanese not only as an act of cowardice but as a direct affront against God.<sup>136</sup> However, according to Sharon Elaine Hutchinson and Jok Madut Jok, the killing of unarmed women and children became standard practice in raids over ten years ago between Nuer and Dinka combatants, who came to think of women not just as assets with inter-ethnic mobility, but as fixed members of an ethnic group and therefore the target of any attempt at ethnic annihilation.<sup>137</sup> According to Hutchinson and Jok, “God, it seems, [is] no longer watching.”<sup>138</sup>

## Escalation of Violence

It is important to highlight that the recent attacks in Jonglei did not occur in isolation, but are part of a continuous cycle of raiding and retaliation that has grown increasingly violent. In 2009 South Sudan experienced its worst internal violence since the 2005 CPA, when some 2,500 people were killed, and more than 350,000 were displaced by inter-ethnic conflict. Almost half of those displaced or killed were from Jonglei state.<sup>139</sup> A Lou Nuer attack on Likuangole in 2009, during which around 450 mainly women and children were killed, is regarded as the start of the current cycle of violence.<sup>140</sup> These attacks marked a change in strategy, whereby raiders targeted not just cattle but entire communities, killing civilians, including women and children. In 2009, attacks in Akobo and Pibor—both in Murleland—resulted in more than 1000 casualties, with more than 700 allegedly killed in one week-long attack.<sup>141</sup> The escalation of violence continued, and in Pieri in August, 2011, the Murle attacked Lou Nuer, killing over 400 people and abducting many women and children.<sup>142</sup> Because of a lack of effective intervention from the GRSS to stop attacks and defend the citizens of South Sudan, the retaliatory raids continued to escalate. Lack of political will coupled with lack of capacity to investigate crimes or hold perpetrators accountable

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<sup>135</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>136</sup> Hutchinson & Jok, op. cit., 2002, pg. 104-105.

<sup>137</sup> Hutchinson & Jok, op. cit., 2002, pg. 104-105.

<sup>139</sup> International Crisis Group, ‘Jonglei’s Tribal Conflicts: Countering Insecurity in South Sudan’, *Africa Report N°154*, 23 Dec 2009.

<sup>140</sup> Small Arms Survey, op. cit., 2012.

<sup>141</sup> International Crisis Group, op. cit., 2009.

<sup>142</sup> UNMISS, op. cit., 2012, pg. 6-7.

contributed to the cycle of attacks that have resulted in “increasing numbers of casualties and been marked by acts of deliberate cruelty.”<sup>143</sup>

According to a White Army press release in 2011, Lou and Jikany Nuer lost over 35,000 cattle and 4,800 people in Murle raids that year.<sup>144</sup> They retaliated, and according to Small Arms Survey the Nuer attacks on Murle in Pibor county in December 2011 and January 2012 were the deadliest inter-ethnic clashes since the 1991 Bor Massacre.<sup>145</sup> According to the UN, the attacks that occurred in Jonglei in December 2011 and January 2012 were the worst to have ever occurred in the state, in terms of brutality and destruction; thousands were killed or abducted, hundreds of *tukuls* (huts) were burnt to the ground, social and economic infrastructure was destroyed, and over 170,000 people were displaced.<sup>146</sup> The UN has stated that the objective of the attack “appears to go beyond retaliatory reprisals and more towards the depopulation, displacement and possibly even the destruction of the opposing community and their livelihood.”<sup>147</sup>

The UN conducted fact-finding missions and interviews immediately following the 2011-2012 violence and published a detailed report, *Incidents of Inter-communal Violence in Jonglei State*, in June 2012. The number of people killed as listed in the report is only that of deaths that could be verified by the UN; there has been speculation that the actual number of deaths could number in the thousands. In the report, the UN noted that their warning messages to SPLM/A leaders could have reduced the violence, but were not heeded by either the SPLM or the army. As early as 5 December 2011, the UN warned the GRSS of the mobilisation of Lou Nuer youth. On 13 December UNMISS told the SPLA Chief of Staff that an attack was imminent,<sup>148</sup> but no immediate action was taken.

On 23 December 2011, an estimated 6,000 to 8,000 Lou Nuer youth calling themselves “the White Army”, armed with AK-47’s and RPGs,<sup>149</sup> converged and launched a series of systematic attacks over 12 days in Murleland, in retaliation for the Pieri attack. At least 906 Murle were confirmed by the UN to be killed, including 88 women and 88 children. Over 370 people were unaccounted for, including hundreds of children and women who were abducted. Attackers killed men with gunshots, women and children with machetes, and burned people

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<sup>143</sup> Ibid., pg. i.

<sup>144</sup> Lou and Jikany White Army, Press Statement: ‘Nuer Youth Have Captured Lolkuangole And Are Advancing To Capture All Murleland’, *South Sudan News Agency*, 25 December 2011.

<sup>145</sup> Small Arms Survey, op. cit., 2012; for more discussion of the Bor Massacre, see chapter on [Politics](#).

<sup>146</sup> UNMISS, op. cit., 2012, pg. i.

<sup>147</sup> Ibid., pg. 7.

<sup>148</sup> Ibid., pg. 14.

<sup>149</sup> Ibid., pg. 20.

to death inside their *tukuls*.<sup>150</sup> The White Army moved southwards in a large column and attacked Wuno village in Likuangole payam (district), where they settled and established a base. From there, they attacked Kiginyo, Karyak, Konsolo and Karwenga on 24 December, Monychak on 25 December, and Nyergeny, Nyam, Nyol, Nyarat Chezio, Tontol, Othogon and Iritallan on 26 December. At least 175 were confirmed killed, including 26 women and children.<sup>151</sup>

On 27 December, eight columns of White Army youth started their attack on Likuangole. Armed youth in uniforms (SPLA, SPSS, Prison Services and Wildlife Police) were at the front of each column, and women and children followed at the back, carrying provisions. Due to their large numbers, the White Army passed the SPLA's 358th Battalion barracks unchallenged. The 512 soldiers were heavily outnumbered, and were ordered not to fire. They were able to protect 100 civilians who had sought refuge in the barracks.<sup>152</sup> In Likuangole, over three days, the attackers burnt tukuls as well as health and education facilities, destroying all infrastructure. The walls of the school and municipal building were covered in English and Nuer graffiti that read "We come to kill all of Murle" and "We come again don't sit again in your payam (district)."<sup>153</sup> UNMISS reported that at least one of the women who had been killed had been raped.<sup>154</sup> In the subsequent days, the White Army attacked surrounding bomas (towns) where killings, destruction and abduction continued.<sup>155</sup>

On 27 December, three weeks after UNMISS's warnings to the GRSS, then Vice President Riek Machar travelled to Likuangole, where he urged thousands of fighters to go home. He told them not to attack Pibor and other towns guarded by the government, and emphasized that if they attacked any government controlled town they would be treated like rebels. He reminded them that in Lou Nuer culture, women and children should not be killed.<sup>156</sup> The youth did not heed his warning, and on 30 December, UNMISS reported that the columns were moving towards Pibor, attacking and burning all villages along the way, including Wunkok, Manythakar, Manynyathing, Kolon, Kelenya, Walak, Lukutole, Lokortuk and Vormula.. One young man reported that he travelled to Manythakar village in search of his grandmother, his great-aunt, and a 10-year-old relative, and found their three bodies; they had been burned alive inside their *tukul*.<sup>157</sup>

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<sup>150</sup> Ibid., pg. 12.

<sup>151</sup> Ibid., pg. 14.

<sup>152</sup> Ibid., pg. 15.

<sup>153</sup> Ibid., pg. 16.

<sup>154</sup> Ibid., pg. 16.

<sup>155</sup> Ibid., pg. 16.

<sup>156</sup> Ibid., pg. 17.

<sup>157</sup> Ibid., pg. 17.

On 31 December, the White Army entered the outskirts of Pibor town and burnt tukuls, the Anglican Church, and ransacked Médecins Sans Frontières (MSF).<sup>158</sup> They were unable to penetrate the centre of the town due to SPLA reinforcements. On 2 January, 150-200 White Army youth tried to enter town by crossing the Pibor, but were stopped by SPLA armored vehicles and SPLA gunfire. The White Army also attacked villages surrounding Pibor, including Akilo, Tangajon, Manyabol, Manyrunen-Bolen, Wunkok, Kavachot, and Lanyaris. In Lanyaris; in one village alone, at least 160 people were killed, including one witness's two wives and six children.<sup>159</sup> In the next few days, smaller groups of Lou Nuer youth fanned-out and attacked villagers and IDPs who had fled Pibor; one man in Fertait village reported that the Lou Nuer had pushed people into their *tukuls* and then set them alight. Those who fled were ambushed and killed by small groups of Lou Nuer. The UN reported that all *tukuls*, food stores, and crops had been burnt, and at least 52 people were confirmed dead.<sup>160</sup>

At the beginning of January, the Lou Nuer began retreating north with “tens of thousands of stolen cattle and a significant number of abductees. They were able to do so unchallenged and they have continued to enjoy impunity.”<sup>161</sup>

The Murle reacted to the Nuer onslaught with retaliatory attacks on Lou Nuer and Dinka villages from December 27<sup>th</sup>, 2011 to February 4, 2012.<sup>162</sup> Lou Nuer and Dinka reported 44 attacks in Lou Nuer land and 13 attacks in Dinka land, all attributed to Murle groups. The Murle attackers operated in small, mobile groups, usually attacking one settlement at a time.<sup>163</sup> The UN recorded 276 killings and 25 abductions, as well as considerable loss of livelihood, including 61,000 stolen cattle.<sup>164</sup>

Shortly after the beginning of the civilian disarmament campaign<sup>165</sup> of the Murle that immediately followed the attacks on Murleland, Murle rebel leader David Yau Yau, who had been granted amnesty in June 2011 by the GRSS, returned to Pibor. He claimed one of the primary reasons of his return and the resurgence of his militia was to defend the Murle from the SPLA, as “the SPLA has lost discipline,” as stated in the Jebel Boma Declaration, released in April 2013 by Yau Yau's South Sudan Democratic Movement/Army (SSDM/A).<sup>166</sup> In May, Yau Yau said in an interview, “this time around, we are fighting for

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<sup>159</sup> Ibid., pg. 18.

<sup>160</sup> Ibid., pg. 19.

<sup>161</sup> Ibid., pg. 19.

<sup>162</sup> Ibid., pg. 20.

<sup>163</sup> Ibid., pg. 20.

<sup>164</sup> Ibid., pg. 20.

<sup>165</sup> See next chapter, [Civilian Disarmament](#).

<sup>166</sup> SSDA/M, *Boma Declaration*, March 23-April 2, 2013. Accessed at <http://www.southsudannation.com/the-jebel-boma-declaration-federalism-for-south-sudan/>.

the people of South Sudan, the minority communities like the Murle and the others." In response, Government spokesman Barnaba Marial Benjamin said "there's no truth in what he's saying he's fighting for. This government is well represented, if it is an issue of ethnicity. He's not fighting for this cause; he's fighting because he lost the elections".<sup>167</sup>

From March 2012 to early 2013, there were battles between Yau Yau's forces and the SPLA in and around Pibor county. On 8 of February 2013, using heavy artillery and RPGs, Murle members of the SSSA attacked Nuer civilians in Walgak, Akobo who were migrating with their cattle to areas with greater pasture and water resources. According to UNMISS, 103 civilians, mostly women and children, were killed, as well as 14 of the 40 SPLA soldiers who were accompanying the group for protection; 65,766 cattle were taken.<sup>168</sup>

In response to the Walgak attack, in July 2013 armed Nuer youth entered Pibor county to root out David Yau Yau's forces. The alleged number of attackers varies from the GRSS report of 11,000, to the Pibor county administrators' report of close to 63,000 men; they attacked in all corners of Jonglei, and although the casualty figures have not been reported, they were suspected to be very high. Nuer fighter Tut Mut said they had killed many people in response to the killing of children, women and the elderly in the Walgak cattle raid.<sup>169</sup> Human Rights Watch has stated that there are allegations of government support, including the provision of ammunition to the Lou Nuer, reported by credible sources, which have further deepened Murle perceptions of government persecution.<sup>170</sup>

## Manipulation and Politics

The recent escalation of violence is a result of a legacy of mistrust along wartime political and military fault lines.<sup>171</sup> Beginning in 1983, Khartoum supported militias in Southern Sudan to fight the Sudan People's Liberation Army (SPLA), playing on already established inter-communal divisions. Leben Nelson Moro explains:

"During the [civil] war, I think the real fighting [was] between the [Sudan Armed Forces (SAF) and SPLA]; the two sides were then also using those communities who were also having those traditional animosities to pursue their own military objectives.

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<sup>167</sup> Tanza, John and Charlton Doki, "Rebel Leader: We Want Our Own State", *Voice of America*, 14 May 2013. Accessed at <http://www.voanews.com/content/yau-yau-rebels-fighting-for-separate-state-south-sudan/1660425.html>.

<sup>168</sup> UNMISS, *Report on the 8 February 2013 attack on Lou Nuer pastoralists in Akobo West Sub-County, Jonglei State*, April 2013. Accessed at <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=4BAr3GgtyY4%3D&tabid=5434&language=en-US>.

<sup>169</sup> The Niles, "Jonglei clashes continue, 230 injured airlifted to Bor", 18 July 2013. Accessed at <http://www.theniles.org/articles/?id=1953>

<sup>170</sup> Human Rights Watch, "They are killing us: Abuses against civilians in South Sudan's Pibor County", Human Rights Watch, September 2013. Accessed at [http://www.hrw.org/sites/default/files/reports/southsudan0913\\_ForUpload\\_1.pdf](http://www.hrw.org/sites/default/files/reports/southsudan0913_ForUpload_1.pdf), pg. 6.

The security in Jonglei also has been very much linked to the nature of relationship between the [South Sudan] government and the government in Khartoum.”<sup>172</sup>

In 1983, SPLA fighters began consolidating their power by occupying territory throughout South Sudan. When the SPLA occupied Murleland, they took governance of the Murle people. According to Jon Arensen, because of historical animosities from years of tit-for-tat cattle raids, the SPLA treated the Murle very poorly, including raping and physically assaulting civilians.<sup>173</sup> Chief Ismail Konyi, a Murle leader and former police officer, took a contingent of Murle warriors and travelled to Khartoum allegedly to ask the Government of Sudan (GoS) for support to protect their people from the SPLA.<sup>174</sup> Other authors have argued that Konyi’s flying militia was armed by Khartoum “in order to raid and harass people sympathetic to the SPLA.”<sup>175</sup> According to Professor Moro,

“Because the [Murle] are a small group of people they are politically also very weak, maybe why they cooperated with Khartoum is simply because they are just so weak, so they had to find some way to [protect themselves]. Maybe from their perspective it is about defending themselves against these big tribes, who would be very willing to come and take what they have.”<sup>176</sup>

When the SPLM won independence for South Sudan, they viewed the Murle’s alignment with the GoS as against not just SPLA abuses, but against the SPLA and thus against the revolution for self-determination. However, the Murle were not the only group who aligned themselves with the GoS at one time or another during the long civil war.

During the war, many cattle-camp youth from all ethnic groups formed militias to protect themselves both from Khartoum’s forces and from cattle raids from neighbouring communities. One of these militias, the White Army, was an unofficial Nuer armed group which many young cattle-camp youth initially joined to respond to local threats.<sup>177</sup> In 1991, the White Army supported ex-Vice President Riek Machar, a Nuer, and Dr. Lam Akol, a Shilluk, when they broke away from SPLA and formed the SPLA/M-Nasir splinter group, alleging that the army was Dinka-dominated, that Dr. John Garang was authoritarian,<sup>178</sup> and they did not support the SPLA’s vision for a united New Sudan, but rather desired southern self-determination.<sup>179</sup> In 1992, the SPLA/M-Nasir faction, backed by the White Army,

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<sup>172</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>173</sup> Arensen, op. cit., 2012.

<sup>174</sup> Arensen, op. cit., 2012.

<sup>175</sup> Africa Watch, *Denying “the Honor of Living”*: Sudan, A Human Rights Disaster, Africa Watch of Human Rights Watch, New York, March 1990.

<sup>176</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>177</sup> Cecily Brewer, *Case Study No. 7 in the Complex Operations Case Study Series: Disarmament in South Sudan*, Center for Complex Operations, National Defense University, Washington, DC, 2010.

<sup>178</sup> John Young, *The White Army: An Introduction and Overview*, Small Arms Survey, Sudan Human Baseline Assessment Project, 2007, pg 12.

<sup>179</sup> John Young, “The South Sudan Defence Forces in the Wake of the Juba Declaration”. Small Arms Survey, November 2006, pg 15.

officially aligned themselves with the SAF, although it is claimed Khartoum—eager to foment south-south violence<sup>180</sup>—had been supplying them with weapons for some time before.<sup>181</sup> Riek Machar led the armed White Army cattle-camp youth, who were excited by the prospect of acquiring cattle, to attack the Dinka Bor in the heartland of the SPLA, resulting in the deaths of over 2000 Dinka<sup>182</sup> Bor people—today known as ‘the Bor Massacre’. The Bor Massacre has been described as one of the greatest humanitarian disasters to have taken place during the civil war, leaving a deep and unresolved legacy of hatred.<sup>183</sup> In 1995, the SPLA/M-Nasir split, with Akol’s faction taking the name SPLA/M-United, and Machar’s faction, the South Sudan Independence Movement/Army (SSIM/A).

During this time, the South Sudan Defence Forces (SSDF) emerged as a loose coalition of other armed group (OAGs) fighting the SPLA as a response to SPLA violence and abuse against civilians, and the White Army and the Murle militias joined many militias from the Bari, Latuka, Mundari, Didinga, Taposa, Fertit, and some Bahr El Ghazal and Upper Nile Dinka and received weapons from GoS.<sup>184</sup> In April 1996, Riek Machar signed an agreement with Khartoum, and in April 1997, the SSDF merged with the SSIM/A and signed the Khartoum Peace Agreement, officially aligning with the SAF and taking Machar as its commander.<sup>185</sup>

When the CPA was signed in 2005, the war officially ended, but the inter-communal animosities that were manipulated and stoked by the SPLA, the White Army, OAGs, and Khartoum during the civil war remained and continued to fester. In discussions with Aguti Adut about the recent escalation of violence in Jonglei, reference to Murle’s alignment with Khartoum as early as Anyanya I, in 1955, was cited as a reason for distrust. He did not refer to Murle as South Sudanese, but rather as Khartoum’s proxy militia who were “relying on the north because the north was supporting them to fight the Southern Sudanese [during Anyanya I] who were ‘rebels’ in the bush.”<sup>186</sup> This residual distrust was made further evident during the recent escalation of violence when the Nuer youth, in a statement released in January 2012 by the White Army, stated:

“We the Nuer Youth in South Sudan do not recognise Riek Machar as a Nuer leader. He is responsible for all the killings we experience today because it was him who armed Murle tribe in 1997 when he signed Khartoum Peace Agreement with Omer Bashir. He cannot talk to us because we know he is responsible for all the deaths in

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<sup>180</sup> Brewer, op. cit., 2010.

<sup>181</sup> Young, op. cit., 2007.

<sup>182</sup> Young, op. cit., 2007, pg. 13.

<sup>183</sup> Young, op. cit., 2007, pg. 13.

<sup>184</sup> Young, op. cit., 2006, pg 13.

<sup>185</sup> Young, op. cit., 2006, pg 15.

<sup>186</sup> Adut, interview with author, Bor, September 10, 2012.

Jonglei for arming Murle in 1990's to fight John Garang. Now Murle are killing Nuer and Dinka with weapons Riek Machar supplied to them in 1997."<sup>187</sup>

Khartoum's meddling did not end with the signing of the CPA; even now, the GoS continues to stoke the violence through support of rebel militias, who are currently fighting the SPLA, by supplying them with weapons, munitions, and uniforms. In 2010, David Yau Yau, a theology student and former member of the South Sudanese army, launched a rebellion after failing to win a parliamentary seat in the April 2010 general election, citing SPLM manipulation of ballots. South Sudan has repeatedly accused Sudan of backing Yau Yau and airlifting weapons and supplies to his troops, although Khartoum denies the claims.<sup>188</sup> In July 2013, the African Union began an investigation into allegations by both Sudan and South Sudan that they are supporting rebels operating in each other's territory. "The greatest fear is that it can become very destabilising as more people might follow the example of Yau Yau, and Khartoum is waiting with open arms, at least for now."<sup>189</sup>

Members of the Bor Women's association in Bor, Jonglei, were asked what their priority issues were in relation to the current insecurity, and how they viewed the success of the peace process.<sup>190</sup> They said the current surge in the conflict is not due only to inter-ethnic divisions or cattleraiding as such, but rather to David Yau Yau's rebellion (response given through a translator):

"Here in Jonglei we are, there are 6 different languages here in Jonglei. The peace [conference] was done very well, the one in Ma. That peace has been settled. People were good. People were travelling from here to the other part of the languages. They also come to [Bor] here. Peace is very good. It has been settled since then. But recently, some months ago, these start with the rebel of this man called Yau Yau. This man Yau Yau, he is the one now threatening the security of the people here because he has disagreed with the government; he is a rebel. So this is the only thing, but with the rest of this, and all the other ethnic groups, people are all good. Only that Yau Yau started the problem that people now are in insecurity in Jonglei."<sup>191</sup>

Professor Leben Nelson Moro agrees, arguing that the greatest problem Jonglei is facing is that militia leaders who are not happy with the system "run to Khartoum, and they show up in those remote areas with fresh guns from Khartoum and money, and then they now use those young people...and exploit communities...exploit local tensions"<sup>192</sup> to fight the SPLA. Marc

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<sup>187</sup> Lou and Jikany White Army, Press Statement: 'The Nuer White Army Ended Operations against Murle Tribe in South Sudan', *South Sudan News Agency*, 5 January 2012.

<sup>188</sup> Michael Onyiego, 'South Sudan Cattle Clash: 103 Said Killed In Livestock Raid', *Huffington Post*, 10 February, 2013.

<sup>189</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>190</sup> They made sure, before answering any questions, that the local and national government would support them being interviewed, and calls were made to the Governor's office in Bor and to the MoGCSW in Juba for assurance. They were additionally assured that they would be safe by the translator, who was a member of the SPLM RSSDDRC.

<sup>191</sup> Nyakan Makuei, a Women Representative at the Jonglei Peace Conference, May 2012, interview with author, Bor, 10 September 2012.

<sup>192</sup> Moro, interview with author, Juba, September 6, 2012.

Sommers and Stephanie Schwartz of the United States Institute of Peace argue that youth join militias simply to acquire guns: “They say it’s a free ticket: help the militia capture this town. After that, with those guns, the youth raid cattle and kill people.”<sup>193</sup> According to a government official whom they interviewed, “some youth are joining the rebels [militias] to loot properties so they can marry.”<sup>194</sup>

It has been argued that the youth are not motivated to join just to kill and loot to marry, but also to protect themselves from the perceived threat of SPLA violence; from August 2012 onwards, between 4,000 and 6,000 Murle cattle-camp youth unhappy with the recent civilian disarmament campaign<sup>195</sup> joined Yau Yau’s militia. In early March 2013, the SPLA began an offensive against Yau Yau; he requested negotiations with an independent international mediator and they refused, then claimed that “all the efforts to bring (Yau Yau) into reconciliation have failed; the only way is to fight him,” as stated by South Sudan's Deputy Defence Minister Majak D'Agot Atem.<sup>196</sup> In a May interview with Voice of America, Yau Yau dismissed the government's offers to talk peace, calling what Juba was offering “no kind of peace at all. It’s just a joke.”<sup>197</sup> In early 2013, Yau Yau’s militia members were fighting SPLA throughout Pibor county. According to the County Commissioner of Pibor, Mr. Joshua Konyii, “the youth who want to keep their guns are ambushing the army.”<sup>198</sup> Says David Yau Yau, “we are fighting now to get our own freedom, to be given our own state.”<sup>199</sup>

### Effect of Civilian Disarmament

Although cattleraiding had been present in South Sudanese society before the war, the increase in small arms and the political affiliations of different ethnic groups during the civil war intensified the frequency of inter-ethnic raids and the intensity of their violence. In the years between the CPA and the 2011 referendum for independence, inter-ethnic conflicts within South Sudan that had begun during the war continued with extraordinary violence, particularly in Jonglei State. There is a continuous threat of political violence along the border with Sudan, and of spill-over violence from other conflicts in the region,<sup>200</sup> particularly in northern Kenya and Uganda. To ensure their safety, many South Sudanese have remained

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<sup>193</sup> Marc Sommers & Stephanie Schwartz, “Dowry and Division”, *United States Institute of Peace*, Special Report 295, 2011.

<sup>194</sup> Marc Sommers & Stephanie Schwartz, “Dowry and Division”, *United States Institute of Peace*, Special Report 295, 2011.

<sup>195</sup> See next chapter, [Civilian Disarmament](#).

<sup>196</sup> Manyang David Mayar, “South Sudan Army Kills Dozens of Yau Yau Rebels”, *Voice of America*, 5 march 2013.

<sup>197</sup> Tanza, John and Charlton Doki, “Rebel Leader: We Want Our Own State”, *Voice of America*, 14 May 2013. Accessed at <http://www.voanews.com/content/yau-yau-rebels-fighting-for-separate-state-south-sudan/1660425.html>.

<sup>198</sup> Machel Amos, “20 'killed' as South Sudan army pursues rebels”, *Africa Review*, 21 March 2013.

<sup>199</sup> Tanza, John and Charlton Doki, “Rebel Leader: We Want Our Own State”, *Voice of America*, 14 May 2013. Accessed at <http://www.voanews.com/content/yau-yau-rebels-fighting-for-separate-state-south-sudan/1660425.html>.

<sup>200</sup> Myrntinen & McInturff, op. cit., 2008.

armed and there exists an overwhelming amount of small arms and light weapons in the country. At the end of the civil war there were an estimated 1.9 to 3.2 million small arms in circulation.<sup>201</sup> In addition to the weapons which are in the hands of the SPLA, regional militias, and OAGs, an estimated two-third of small arms in South Sudan are in private hands.<sup>202</sup> This poses a particular threat to women, as a high number of sexual assaults involve weapons.<sup>203</sup> “In a society that is highly militarized, where guns and force are equated with entitlement and power, women remain at risk both inside and outside their homes.”<sup>204</sup>

The UN and the GRSS have poured resources into a disarmament, demobilization and reintegration (DDR) programme as well as a civilian disarmament programme. The Community Security and Small Arms Control department, tasked with civilian disarmament, was under the DDR Commission until 2008, when it was transferred to the Ministry of the Interior.<sup>205</sup>

The CPA was ambiguous about civilian disarmament; its stipulation to “monitor and verify the disarmament of all Sudanese civilians who are illegally armed” failed to clearly define what constituted a civilian in such a heavily militarised country.<sup>206</sup> According to Cecily Brewer, South Sudan specialist at the United States Department of State, weapons’ collection has been inadequate, and guidelines for voluntary disarmament have yet to be established.<sup>207</sup> All attempts to disarm the civilian population have been met with resistance and violence. An order for disarmament signed by President Kiir in early 2008 was given to state governors and the SPLA to “peacefully have all civilians in all ten states surrender their firearms” within six months, but noted that “where individuals or groups refuse or show resistance, ‘appropriate force must be used’”<sup>208</sup>.

Disarmament is particularly difficult in South Sudan because of the deeply entrenched warrior identities of South Sudanese men, prevailing distrust between communities,<sup>209</sup> and because the GRSS is unable to provide adequate protection.<sup>210</sup> Warriors have always been highly valued in South Sudanese culture, and during the 22 year civil war, gun ownership became

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<sup>201</sup> Brewer, op. cit., 2010.

<sup>202</sup> Myrtilinen & McInturff, op. cit., 2008.

<sup>203</sup> D’Awol, op. cit., 2011.

<sup>204</sup> D’Awol, op. cit., 2011.

<sup>205</sup> Michael Malual Wuor, Jonglei State Director, RSSDDRC, interview with author, Bor, South Sudan, September 10, 2012; author believes this transfer likely occurred following an international backlash over the violent forced disarmament of Lou Nuer civilians in 2006.

<sup>206</sup> Bennet et al., op. cit., 2010.

<sup>207</sup> Brewer, op. cit., 2010.

<sup>208</sup> Small Arms Survey, ‘Failures and Opportunities: Rethinking DDR in South Sudan’, *Sudan Issue Brief*, No. 17, May, Human Security Baseline Assessment, 2011.

<sup>209</sup> International Crisis Group, ‘Beyond Victimhood: Women’s Peacebuilding in Sudan, Congo, and Uganda’, *Africa Report*, No. 112, June 2006.

<sup>210</sup> Bennet et al., op. cit., 2010.

inextricably linked to the warrior identity.<sup>211</sup> From the beginning of the civil war, attitudes and values towards gun-ownership changed dramatically,<sup>212</sup> with small arms increasingly playing a role as “symbols of wealth, physical strength and, hence, marriage worthiness” for young men.<sup>213</sup> As one Lou Nuer citizen described, the society has been changed by “the realization of power that came with the gun”.<sup>214</sup> According to Jonglei’s Director of Civilian Disarmament Aguti Adut:

“Disarmament was not easy. Because they do believe in the gun rather than cattle. Because they believe that if I have my gun, I will get more cattle. Because, but if I have cattle, and I don't have the gun, if something happens those cattle will be taken. So this is what they believe. So this is why disarmament was not easy to be conducted.”<sup>215</sup>

Due to this deeply embedded and complex relationship with gun ownership, the civilian disarmament program has largely failed and has had little impact on security within the region, according to Small Arms Survey.<sup>216</sup>

Furthermore, the distrust and violent resistance in Jonglei can in fact also be partly attributed to the SPLA’s heavy-handed tactics<sup>217</sup> to forcibly disarm civilians. According to Amnesty International, five civilian disarmament campaigns have followed outbreaks of inter-communal violence in an on-going cycle since 2005.<sup>218</sup> The most violent of these campaigns have been the forced disarmament of the Lou Nuer in 2006 and of the Murle in early 2012. As outlined earlier, these campaigns can be attributed to political tensions, particularly between the SPLA and the White Army, and the SPLA and Murle militias.

Nuer–Dinka tensions in Jonglei flared in late 2005 when the Lou Nuer requested permission for their cattle to graze on Dinka land in Duk County, and the SPLM requested that they disarm before doing so.<sup>219</sup> The Lou Nuer were hesitant to disarm before the neighbouring Dinka, due to their distrust of the Dinka and lack of trust in the SPLA, composed primarily of Dinka, as an adequate protection force.<sup>220</sup> The conduct of sections of the SPLA forces, the police and the local administration in South Sudan “made it difficult for some communities to trust them to ensure their security [due to] accusations that they practice nepotism, are

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<sup>211</sup> Ochan, op. cit., 2007.

<sup>212</sup> Bennet et al., op. cit., 2010.

<sup>213</sup> Henri Myrntinen & Kate McInturff, *Gender, Small Arms and Development: The Case of Southern Sudan*, Peacebuild: the Gender and Peacebuilding Working Group and The Small Arms Working Group, 2008; and International Crisis Group, op. cit., June 2006.

<sup>214</sup> Brewer, op. cit., 2010.

<sup>215</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>216</sup> Small Arms Survey, op. cit., 2011.

<sup>217</sup> Sara Skinner, “Civilian disarmament in South Sudan: A legacy of struggle”, *Saferworld*, February 2012.

<sup>218</sup> Amnesty International, South Sudan: Lethal Disarmament, Abuses related to civilian disarmament in Pibor County, Jonglei State, Amnesty International, October 2012.

<sup>219</sup> Brewer, op. cit., 2010.

<sup>220</sup> Brewer, op. cit., 2010.

corrupt, impose unfair communal punishments, use torture on suspects, and rape women from villages of suspected criminals,<sup>221</sup> according to respondents interviewed by Clement Ochan, a South Sudanese Senior Researcher at Tufts University and the Feinstein International Centre.

Neighbouring communities, including the Murle, were not asked to disarm simultaneously, further increasing the Nuer's resistance to disarm. When the SPLA began their civilian disarmament campaign in January 2006, unsupported by the UN due to its violent coercive nature, the Nuer resisted. The Nuer White Army attacked the SPLA and killed their Nuer mediator, Wutnyang Gatkek. The SPLA leadership and SPLM officials continued their military campaign and forced disarmament, while the White Army continued to be armed by Khartoum. In May 2006 the conflict escalated in northern Jonglei and 113 White Army soldiers and one SPLA soldier were killed. Over the subsequent months, the disarmament campaign—described as “95% effective” by local Jonglei authorities—collected 3,300 weapons, while 1,200 White Army soldiers, 400 SPLA soldiers, and 213 civilians were killed.<sup>222</sup> John Young cites speculation, which he argues is credible, that the forced disarmament of the White Army was not to seize weapons, but rather to smash the White Army, driven by deep seated hatred from civil war animosities, because they had challenged the SPLA monopoly of weapons.<sup>223</sup>

According to a South Sudanese human rights advocate, “when the Lou Nuer were disarmed, the intention was to make the area peaceful, but the government failed to protect them.”<sup>224</sup> It is suggested by Jon Bennet *et al.* that the selective disarmament of the Lou Nuer encouraged the Murle to take advantage of communities without guns and without effective protection from the SPLA.<sup>225</sup> According to reports by the BBC and other news agencies, attacks have continued and are characterised by raids and retaliations from both the Lou Nuer and Murle. As discussed, in response to a Murle attack in August 2010 that left 600 Lou Nuer dead, the White Army, with a force of about 7,000-8,000 soldiers<sup>226</sup> launched a series of cattle raids that killed over 900 Murle<sup>227</sup> and displaced 170,000 people.<sup>228</sup> They stated their intention was “to defend our cattle and kids from the Murle because our government failed to

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<sup>221</sup> Ochan, *op. cit.*, 2007.

<sup>222</sup> Brewer, *op. cit.*, 2010.

<sup>223</sup> Young, *op. cit.*, 2007, pg. 23.

<sup>224</sup> Biel, interview with author, Juba, September 6, 2012.

<sup>225</sup> Bennet *et al.*, *op. cit.*, 2010.

<sup>226</sup> *BBC News*, ‘South Sudan Cattle Raid Toll Passes 200’, 13 March, 2012, accessed at [www.bbc.co.uk/news/world-africa-17338139](http://www.bbc.co.uk/news/world-africa-17338139). Date of access is needed for all internet sources

<sup>227</sup> UNMISS, *op. cit.*, 2012.

<sup>228</sup> Amnesty International, *op. cit.*, 2012.

provide security after disarming us in 2006.”<sup>229</sup> The Murle counter-attacked, and the cycle continues. President Salva Kiir’s response to this surge in raids was the launch of a new civilian disarmament programme in March 2012 called *Operation Restore Peace*. This involved the deployment of 12,000 soldiers and police to collect an estimated 30,000 weapons from Murle civilians in Jonglei.<sup>230</sup>

It has been widely reported that SPLA who were near Pibor to disarm Murle have abused and killed civilians to ‘disarm’ them. One account detailed from March 2012 in Amnesty International’s report on the disarmament describes the violence:

“I was coming from Likuangole on my way to Pibor. A soldier told me to stop and asked ‘where did you come from?’ I said I came from Likuangole and am going to Pibor town. The soldier asked for a gun. I said that I am a disabled soldier and don’t have a gun. The soldier shot me through the stomach [right side of abdomen]. I fell down and again he shot my left arm and the third time he shot my left upper leg. The fourth time he wanted to shoot my head but missed and went away. The soldier only asked the question of gun. After I fell down the soldier ran away. I tried to get up and the soldier turned around and pointed the gun. I fell down and the soldier ran away [again]. The soldier was wearing a new police uniform, light yellow in colour.”<sup>231</sup>

Women have also reported being beaten by soldiers looking for guns, as well as being sexually assaulted. A 35 year old woman interviewed by Amnesty International from Likuangole recounted:

“They came at around 1am. I was sleeping with my small girl [aged 4] and my boy [aged 2]. Soldiers shot a gun in the air and many people came out of their houses and ran. The soldiers said not to run ‘we are the SPLA.’ In my house it was me, a disabled lady who couldn’t walk, my mother and my two youngest children. Three soldiers beat the disabled lady. When they left I tried to put my baby boy on my back and one soldier came back and pulled me. The soldier who pulled me raped me, while my child was on my back. He didn’t beat me, they beat the disabled lady. I don’t know what happened to the disabled lady, if she was raped or tortured. I immediately left. I am afraid of going back, it might happen again.”<sup>232</sup>

Amnesty International reported that MSF clinics in Pibor County treated multiple rape and attempted rape cases between March and September 2012,<sup>233</sup> and South Sudan and the UN are investigating reports that 500 police who were disarming civilians in Jonglei state

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<sup>229</sup> Lou and Jikany White Army, Press Statement: ‘The Nuer White Army Ended Operations against Murle Tribe in South Sudan’, *South Sudan News Agency*, 5 January 2012.

<sup>230</sup> *BBC News*, ‘South Sudan Cattle Raid Toll Passes 200’, 13 March, 2012, accessed at [www.bbc.co.uk/news/world-africa-17338139](http://www.bbc.co.uk/news/world-africa-17338139).

<sup>231</sup> Amnesty International, op. cit., 2012, p 10.

<sup>232</sup> Amnesty International, op. cit., 2012, p 12.

<sup>233</sup> Amnesty International, op. cit., 2012, p 12.

abducted and raped women.<sup>234</sup> Given the stigma attached to rape in South Sudanese culture, the actual number of victims is likely much higher than reported.

In May 2012, aid groups and community leaders said that the disarmament campaign had “provided cover for [SPLA] troops to rape, torture and kill members of the minority Murle [ethnic group] in remote Jonglei state”.<sup>235</sup> In August, the UN appealed to the GRSS to put an end to the violence committed by members of the SPLA, citing human rights violations “including one killing, 27 allegations of torture or ill-treatment, such as beatings, and simulated drowning in some cases, 12 rapes, six attempted rapes and eight abductions. The majority of the victims are women, and in some cases children.”<sup>236</sup> At a news conference, SPLA spokesman Col. Philip Aguer dismissed allegations that the abuses were widespread, attributing the incidents to “indiscipline and drunkenness”.<sup>237</sup> According to Human Rights Watch, these explanations do not account for the large number of killings, or the patterns of abuse.<sup>238</sup>

Human Rights Watch found evidence that 74 civilians were killed by SPLA soldiers between December 2012 and July 2013 in around 20 different incidents. Seventeen of those killed were women and children.<sup>239</sup> According to Amnesty International, these human rights violations by the SPLA continued throughout the disarmament campaign with impunity,<sup>240</sup> and there continue to be reports of violence against Murle civilians despite calls by President Kiir for “ill-disciplined” elements within the regular security forces to halt violence against innocent citizens.<sup>241</sup> In August 2013, the SPLA took a positive step forward and relieved General James Otong, the commander in charge of troops in Pibor County, of his post. The SPLA also opened investigations into allegations that soldiers under his command killed civilians and committed other human rights abuses, and Otong may be formally charged once the investigations have been completed.<sup>242</sup> On 24 October 2013, the *Sudan Tribune* reported that 31 soldiers had been sentenced in military court for charges of murder, rape and human rights violations in Pibor, Akobo, and Bor; of these, five were sentenced to death for murder, 2 were sentenced to prison for rape, and 24 were given various sentences from dismissal to

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<sup>234</sup> Jared Ferrie, ‘South Joined by UN to Probe Reports of Rapes by Police’, *Businessweek*, 14 June 2012, accessed at [businessweek.com/news/2012-06-14/south-sudan-joined-by-un-to-probe-reports-of-rapes-by-police](http://businessweek.com/news/2012-06-14/south-sudan-joined-by-un-to-probe-reports-of-rapes-by-police).

<sup>235</sup> Michael Onyiego, ‘Teen Killed in South Sudan; Anti-gun Campaign Continues’, *Associated Press*, 25 May 2012.

<sup>236</sup> United Nations Mission in South Sudan (UNMISS), ‘Press Statement: UNMISS Calls for Action to Safeguard Peace Process in Jonglei State,’ 24 August, 2012.

<sup>237</sup> Onyiego, op. cit., 2012.

<sup>238</sup> Human Rights Watch, ‘They are killing us’ op. cit., 2013.

<sup>239</sup> Human Rights Watch, ‘They are killing us’ op. cit., 2013.

<sup>240</sup> Amnesty International, op. cit., 2012, p 13.

<sup>241</sup> Monyrach, Deng Machol, ‘SPLA recaptures Boma town in Jonglei amid fierce fighting’, 22 May 2013. Accessed at <http://www.theniles.org/articles/?id=1852>

<sup>242</sup> VOA News, ‘S. Sudan General Detained, Soldiers Probed over Alleged Pibor Abuses’, VOA News, 21 August 2013.

prison for misconduct due to frequent drinking.<sup>243</sup> This is significant in that it “is the first time the SPLA has charged soldiers for committing serious crimes such as murder or rape.”<sup>244</sup> However, despite these prosecutions, the abuses committed by the SPLA during the civilian disarmament campaign have deepened inter-ethnic distrust in Jonglei.

Disarmament is perceived by many communities as being targeted along ethnic lines<sup>245</sup> for political reasons,<sup>246</sup> forcing non-Dinka “to accept that the SPLA alone has the right to bear weapons”.<sup>247</sup> Ochan found that the SPLA are often “seen as actively encouraging and condoning cattle raids by members of their own ethnic groups, while seeking to punish others”,<sup>248</sup> and Human Rights Watch states that many of the documented killings and other abuses which occurred during the disarmament campaign “appear to be deliberate reprisals by SPLA against civilians belonging to the Murle ethnicity, a form of collective punishment, which would also constitute a war crime.”<sup>249</sup> According to one woman interviewed, “when rebels and SPLA fight in the bush, SPLA come back they do revenging on us. This is why we have to flee.”<sup>250</sup>

According to former Chairman of the Human Rights Commission of Jonglei State Peter Guzulu:

“Even the government knows that this [civilian disarmament] is not the solution. But they just want to bring it as a tool for punishing communities. But when you translate it, they are just saying: ‘we are going to that community to punish that community through disarmament’. They are coming with a white curtain, but behind the curtain it is something else. This is not about bringing the real solution. It is about politics and it is about punishment.”<sup>251</sup>

The re-emergence of the militia led by David Yau Yau as a reaction to SPLA violence during the disarmament campaign<sup>252</sup> has blurred the definition of ‘civilian’, as many Murle youth who joined the rebel group to protect their villages after experiencing abuses during disarmament are now treated as ‘rebels’.

Civilian disarmament in South Sudan is challenged not only by perceptions within the community that the process will have no value, but also by the aforementioned acute lack of a viable economic alternative to cattleraiding, and by the challenge of disarming a large number

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<sup>243</sup> Sudan Tribune, “SPLA soldiers sentenced to death for Jonglei crimes”, *Sudan Tribune*, 24 October 2013.

<sup>244</sup> Sudan Tribune, “SPLA soldiers sentenced to death for Jonglei crimes”, *Sudan Tribune*, 24 October 2013.

<sup>245</sup> Bennet et al., op. cit., 2010.

<sup>246</sup> Myrntinen & McInturff, op. cit., 2008.

<sup>247</sup> Brewer, op. cit., 2010.

<sup>248</sup> Ochan, op. cit., 2007.

<sup>249</sup> Human Rights Watch, “They are killing us” op. cit., 2013.

<sup>250</sup> Human Rights Watch, “They are killing us” op. cit., 2013.

<sup>251</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>252</sup> Hereward Holland, ‘South Sudan Army Kills at Least 11 in Disputed Incident,’ *Reuters*, 11 December 2012.

of civilians in possession of small arms while raiders, militia, and sometimes even the SPLA continue to pose a threat. The five civilian disarmament campaigns, including that of the White Army in 2006 and the recent disarmament campaign of Murle, have not reduced the violence, but rather increased vulnerability to violent cattle raids and fighting between groups. As Peter Guzulu elucidates:

“A gun cannot shoot itself. It is a human being who shoots a gun. A human being cannot shoot a gun without a reason. There is a reason behind it. And we have to stop the reason, not the gun...So the problem is no rule of law, no good governance, no fairness. So that is the problem. Disarmament right now, people are ‘disarmed’, but when you go to communities today, you find a lot of guns.”<sup>253</sup>

### Ethnic Identities: Misunderstandings and Misappropriation

Competition for resources coupled with poor governance motivates inter-ethnic clashes.<sup>254</sup> Beyond competition for resources, the inter-communal violence is driven both by a desire to increase wealth, and the politicization of ethnic rivalries through the militarisation of identities and widespread image destruction. Sharon Elaine Hutchinson and Jok Madut Jok describe Nuer-Dinka “mutual suspicion and ignorance”, as having ideological currents on both sides of “pervasive and yet superficial ... mutual misunderstandings”.<sup>255</sup> Some of the common ethnic slurs and stereotypes used to explain the deteriorating relations during the 1990s “were undoubtedly circulating long before this war began, while others appear to have been picked, reshaped and redeployed by Southern military leaders and warlords seeking to justify not only their political ambitions but their very existence in the eyes of those they claimed to protect”.<sup>256</sup> The current escalation of violence in Jonglei is fuelled by much of the same identity misunderstandings and misappropriation.

The Murle have been demonised by many people in South Sudan, and are “being portrayed as the aggressor [in the recent surge of violence in Jonglei state]”.<sup>257</sup> According to Aguti Adut, “the Murle, they began this, even I think 191 years ago, this is how they began the raiding”<sup>258</sup> because, as said by Rev. John Chol Daau, “there is something in Murle culture that motivates them, culturally”.<sup>259</sup> The Nuer Youth, in a statement released in January 2012 by the White Army, stated “the problem of Jonglei state is a persistent attack of Murle against Nuer, Anuak

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<sup>253</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>254</sup> McEvoy & Murray, op. cit., 2008.

<sup>255</sup> Hutchinson & Jok, op. cit., 2002, pg. 97.

<sup>256</sup> Hutchinson & Jok, op. cit., 2002, pg. 92.

<sup>257</sup> Arensen, op. cit., 2012.

<sup>258</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>259</sup> Rev. John Chol Daau, Sudan Council of Churches, Co-facilitator of Jonglei Peace Conference, May 2012, interview with author, Juba, September 4, 2012.

and Dinka civilians. The Murle are the ones who do not want to live in peace.”<sup>260</sup> Leben Nelson Moro explained, “when you meet the Nuer and the Dinka, they always say, ‘it is the Murle; the Murle are the aggressors. The Murle have always been the bad guys.’ But the Murle will also say different things. Not everything that is happening is caused by Murle.”<sup>261</sup>

Jon Arensen contends that only one side of the story is being told: “the Nuer are being portrayed as noble warriors simply reacting to the attacks of the evil Murle people. Nothing is further from the truth.”<sup>262</sup> According to a statement released by the Nuer Youth White Army, composed of the Lou and Jikany White Army of Akobo, Jonglei, since the forceful disarmament of the Nuer in 2006, the government and UN had failed to protect them from Murle raids, and thus they have argued they must protect themselves: “to do so, we have decided to invade Murleland and wipe out the entire Murle tribe on the face of the earth as the only solution to guarantee long-term security of Nuer’s cattle. There is no other way to resolve Murle problem other than wiping them out through the barrel of the gun.”<sup>263</sup> According to Genocide Watch, the subsequent ethnic massacres constituted a “Genocide Emergency” that had reached the level of “extermination”.<sup>264</sup> Professor Leben Nelson Moro explained that the “greater utmost fear and instability” caused by the rhetoric of “wiping out the complete ethnic group” contributed to the escalation of violence, and the UN has warned that the trauma of the recent inter-ethnic conflict has been exacerbated by the “threats of annihilation and elimination through hate messaging particularly against the Murle,”<sup>265</sup> who suffer from marginalisation and disenfranchisement.

In addition to their small population and physical isolation, the Murle are further marginalised because, unlike other ethnic groups in South Sudan, there are not many Murle who were educated in the diaspora. During the civil war, many Nuer and Dinka youth, thought to have been aligned with the SPLA ‘Red Army’ and commonly known today as ‘the Lost Boys of Sudan’, fled the war to neighbouring countries and received education. Many from this diaspora have returned to South Sudan to speak for the youth of their ethnic group. For example, Gai Bol Thong, a young Nuer man from the United States diaspora, is the current White Army spokesperson.<sup>266</sup> Few Murle youth joined this group of young refugees “because

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<sup>260</sup> Lou and Jikany White Army, Press Statement: ‘The Nuer White Army Ended Operations against Murle Tribe in South Sudan’, *South Sudan News Agency*, 5 January 2012.

<sup>261</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>262</sup> Arensen, op. cit., 2012.

<sup>263</sup> Lou and Jikany White Army, Press Statement: ‘Nuer Youth Have Captured Lolkuangole And Are Advancing To Capture All Murleland’, *South Sudan News Agency*, 25 December 2011.

<sup>264</sup> Genocide Watch, *South Sudan Country Profile: The Birth of a New Nation*, International Alliance to End Genocide, 2012, <http://www.genocidewatch.org/southsudan.html>

<sup>265</sup> UNMISS, op. cit., 2012.

<sup>266</sup> Lou and Jikany White Army, Press Statement: ‘The Nuer White Army Ended Operations against Murle Tribe in South Sudan’, *South Sudan News Agency*, 5 January 2012.

rather than walking out of the country they simply went into hiding in remote parts of their own territory and continued living their traditional lifestyle,<sup>267</sup> and as such, there are very few educated and vocal voices who are able to speak for their ethnic group.<sup>268</sup>

There have been limited academic studies of the Murle conducted by just two researchers. The first, Bazette Lewis, was an anthropologist who served in the Sudan Political Service for 20 years from 1930. His book, *The Murle: Red Chiefs and Black Commoners*, was written in 1972. At the time of writing, the Murle numbered only 20,000.<sup>269</sup> The second, Jon Arensen, is a Professor of Anthropology who lived with the Murle as a linguist during the 1970's, translating the Bible into Murle. He has written linguistic studies and a short series of papers presented in 2012 in Nairobi as *A Memorandum in Defense of the Murle People*. Because of Murle isolation, the descriptions of the social structure described by Lewis and Arensen are still relevant today.

The Murle are a Nilotic ethnic group of 148,000 living in the south eastern corner of Jonglei in a vast area covering 48,000km.<sup>270</sup> "Because they are a small group of people they are politically...very weak."<sup>271</sup> In addition to political marginalisation based purely on population size, Murle face additional exclusion "because they find themselves in an extremely weak position in a very difficult environment."<sup>272</sup> Geoffrey Duke explains the isolation:

"The Murle area is a completely cut off piece of world. When we were there, when we tried to go from a village to a village, we would get lost because there are no paved roads. Cars have not been moving there. People walk on foot."<sup>273</sup>

In Jonglei, 46% of the population has to walk for more than 30 minutes one way just to collect drinking water, and 20% have to walk more than one hour. Because of the lack of infrastructure, it can take anywhere from three to five days to walk between villages during dry season, and during the wet season, many villages are completely isolated.

The villages in Murleland are the most isolated in Jonglei. The "isolation and lack of connection to other communities," has led to Murle not having much interaction with neighbouring ethnic groups, whom they regard simply as "hostile neighbours".<sup>274</sup> "We don't

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<sup>267</sup> Arensen, op. cit., 2012.

<sup>268</sup> Arensen, op. cit., 2012.

<sup>269</sup> Lewis, op. cit., 1972.

<sup>270</sup> Arensen, op. cit., 2012.

<sup>271</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>272</sup> Ibid.

<sup>273</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>274</sup> Arensen, op. cit., 2012.

have roads. And if we don't meet, we are enemies to each other. If people don't visit each other, they will see [each other] like enemies."<sup>275</sup> According to Arensen, in Murle:

"All other peoples are referred to as *moden*. The literal translation of this word is 'enemy,' although it can also be translated as 'strangers.' Even when the Murle are at peace with a given group of neighbours, they still refer to them as *moden*. The neighbouring [ethnic groups] also return the favour by referring to the Murle as the 'enemy.' The Dinka people refer to the Murle as the *Beir*, ['enemy'], and the Anuak call them the *Ajiba*, ['enemy']."<sup>276</sup>

Because they view each other as enemies, according to Lewis, "the capture of cattle or children from a neighbouring [ethnic group] was a highly laudable act of war."<sup>277</sup> Geoffrey Duke, who has lived with the Murle, explains:

"You cannot blame the violence of a group that existed since time immemorial with such little interaction and with the known perception about strangers as enemies. No, you can't blame them for that, because they are not connected. Every time they met it was, 'come on, he has cattle, and those are mine.' 'Oh he has come to do...what is he here for? For my cattle.' As a matter of fact, some of these community members have not come to discover their neighbouring community by day."<sup>278</sup>

As like the Dinka and Nuer, the Murle consider themselves to be cattle people, and cattle form the "basis of the philosophy of life."<sup>279</sup> Young men in cattle-camps live with their cattle all year, searching for grazing land and guarding them from others. "For young and old, men and women, cattle provide the most absorbing topic of conversation"<sup>280</sup> and there are myriads of terms for the colour and colour combinations, and horn configurations.<sup>281</sup> Murle love their cows individually and believe that their spirits join the spirits of the ancestors when they die.<sup>282</sup> When a young boy becomes a man, his father gives him a large ox with "beautiful colours and spreading horns."<sup>283</sup> He takes his "bull name" from a riddle about his bull,<sup>284</sup> and will spend hours singing to him. According to Lewis, their bond is so deep that the bull is able to recognise his master's voice.<sup>285</sup>

As noted earlier, becoming a man in Murle culture is synonymous with becoming a warrior, and in 1972 Lewis wrote that a man must "kill his man in war" before he can "attain full warriorhood and participate in the war dances of the drums."<sup>286</sup> Lewis has observed that "in

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<sup>275</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>276</sup> Arensen, op. cit., 2012.

<sup>277</sup> Lewis, op. cit., 1972, pg 94.

<sup>278</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>279</sup> Lewis, op. cit., 1972.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.; and Arensen, op. cit., 2012.

<sup>282</sup> Lewis, op. cit., 1972.

<sup>283</sup> Arensen, op. cit., 2012.

<sup>284</sup> Ibid.

<sup>285</sup> Lewis, op. cit., 1972.

<sup>286</sup> Ibid.

the past the dances of successful warriors, when the drum was beaten in triumph, were the greatest moments in Murle life, and today there is no substitute.”<sup>287</sup>

To understand the current conflict it is necessary to look at the role of generational masculinities in Murle culture. Unlike other hierarchal communities in South Sudan, “since there is little hierarchy, the cohesive factor that holds Murle society together is the highly functional age-sets [*buul*]” regarded as the core social identity among the Murle.<sup>288</sup> Boys become members of a *buul* in their teenage years and they remain in that *buul* as they move through life. Only young men who have become part of a *buul* have the right to dance with girls, sing, hunt, fight the enemy, and steal cattle.<sup>289</sup> “So the different [*buul*], when that [*buul*] comes up they must do something to supersede the [*buul*] before them, to show them they’re stronger, they’re mightier ... And even their wives become also arrogant and proud of them.”<sup>290</sup> Each *buul* is named after an animal, and the youth wear coloured beads and feathers to identify themselves as members. According to Small Arms Survey, the two age-sets from the Nanaam and Likuangole areas are currently conducting most of the raids: “the ruling age-set is the *Bototnya*, made up of young men in their prime (aged 20–30); the *Titi* is composed of men aged 30–40 years.”<sup>291</sup>

Successful raiders are so admired in Murle culture that the old word for raid, *koodh*,<sup>292</sup> has been replaced with the word *lokali*; this was apparent during the peace conference. *Lokali* is the name of one of the two “greatest experts of single-handed raiding” during the early 1900s, who wore “iron rings round his toes and ankles to commemorate the men he had killed.”<sup>293</sup> This change of name is reflective of the great importance and admiration Murle have historically given to a successful raider, and it is indicative of the significance this prowess has in their culture.

The age-sets are significant, as cattle-camp youth play a prominent role in the violence in Jonglei. The people who participate in raids and who die in numbers are youth. The majority of the population is youth; fifteen percent of the population in Jonglei is under five years of age, and 51% under the age of 18.<sup>294</sup> The recent peace process in Jonglei that has relied primarily on discussions between chiefs and leaders has not been effective in stopping the

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<sup>287</sup> Ibid.

<sup>288</sup> Arensen, op. cit., 2012.

<sup>289</sup> Ibid.

<sup>290</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>291</sup> Interview with Jongeli Murle expert, in Small Arms Survey, op. cit., 2012.

<sup>292</sup> Lewis, op. cit., 1972, pg 86.

<sup>293</sup> Ibid., pg 89.

<sup>294</sup> South Sudan National Baseline Household Survey, 2009.

youth-on-youth violence, particularly because it does not resonate with Murle, whose ethnic group does not have the hierarchical structure of the Nuer or Dinka. Says Peter Guzulu:

“Chiefs are not raiding. They are too old to go around. So why you don’t bring the youth themselves? Come and talk. We know, like in Murle we have one [*buul*], we call it Acheps, we give them different names. Now the Acheps which are very active in these raids, we know them by names. We know them by villages. In any village, who are those who are very active in raiding? And ask for them and so on, and then go and collect them and bring them to the conference to speak, to convene themselves. And then when they go back, they will convene the rest, they will follow us. You bring chiefs who are 70 years, they have never even gone out [on raids], to attend the conference in Bor...with his weak hearing power...it will not do anything.”<sup>295</sup>

Some Nuer youth, in a press statement released by the Nuer White Army, have echoed these sentiments, expressing that “mediation between Murle, Dinka and Nuer chiefs is not in the interest of the youth on any side,” and further “advis[ing] the international community to know that the chiefs of the Nuer, Dinka and Murle will not solve the on-going conflict,” and that the only solution will be “a direct peace talk between Murle Youth on one side and Dinka and Nuer Youth on the other side. The chiefs and politicians in Jonglei and Juba are complicating the matter and the youth do not recognise their authority.”<sup>296</sup> They appealed to the UN and the US government to facilitate youth-to-youth dialogue “independent from chiefs, churches and Juba’s government,” instead of “wast[ing] time talking to tiny majority like chiefs, elders, pastors and politicians.”<sup>297</sup>

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<sup>295</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>296</sup> Lou and Jikany White Army, Press Statement: ‘The Nuer White Army Ended Operations against Murle Tribe in South Sudan’, *South Sudan News Agency*, 5 January 2012.

<sup>297</sup> Lou and Jikany White Army, Press Statement: ‘The Nuer White Army Ended Operations against Murle Tribe in South Sudan’, *South Sudan News Agency*, 5 January 2012.

## Chapter 4 | The Role of Women in the Jonglei Conflict

### Singing, Support, and Celebration

It is important to highlight women's role not just as passive victims to the violence, but also the "very big role of women as commissioners of this violence."<sup>298</sup> According to Geoffrey Duke,

"Their level of engagement is very critical in this access [to the] peace process. If men fight, the first thing you need to investigate is the invisible stakeholder: the women, who sits back there, who is the reason why a man fights, the reason why there is something [bride-price], the reason why there is abduction. When there is no child, no meaning, then you get the pressure from the woman [to abduct a child]."<sup>299</sup>

Women also support raiding by teaching their children to grow up to be raiders, "for example the Dinka women can say, 'oh the Murle people are bad and the Murles are raiders', and the Murles also they sing the same song to their children and the Nuer women also are doing the same thing and so on, so the Murle child grows up knowing that what he is doing is right and that makes him to be a stronger man."<sup>300</sup> Besides offering encouragement to raid, many women also played important logistical support roles during the recent violence. For example, as already noted, the UN reported that behind attacking columns of the White Army, women followed carrying provisions.<sup>301</sup> They acted as cooks for the fighting forces, and as nurses, tending to the wounded and helping to transport them.

The women who stay in the villages "are the first ones to ululate and beat the drums [in celebration] when the young men come back with the cattle, which means women are part of the problem. I understand women prepare food and receive them and congratulate them, so they are part of the problem."<sup>302</sup> It is not, however, just the women who legitimize violence by dancing and singing after a successful raid. In Murle culture, after a great raid has been successful and the cattle and abductees are driven back to the village, both Murle men and women will hold a "dance of the drum," during which all of the captured cattle will be divided.<sup>303</sup> Hundreds of people attend the dances to watch the warriors dance in their regalia,<sup>304</sup> including young unmarried girls. The celebratory dances are central to courtship. The girls "put a broad band of beads across their foreheads, a string of beads tied just above the eyes, and necklaces. They have long ropes of beads crisscrossed over their chests and

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<sup>298</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>299</sup> Ibid.

<sup>300</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>301</sup> UNMISS, op. cit., 2012, pg. 16.

<sup>302</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>303</sup> Lewis, op. cit., 1972, pg 68.

<sup>304</sup> Arensen, op. cit., 2012.

armbands above the elbows, from which hang down thin strings of leather, having a knot at the bottom, with which they flick the boys during the dance.”<sup>305</sup> They also wear a belt made of beads that can be given to a young warrior at the end of the dance “as a mark of her favour.”<sup>306</sup> Girls can invite men of their choice to dance with them, and that man will then leave the line of warriors and jump in front of the girl, putting his hands on her hips as they jump around together.<sup>307</sup>

Geoffrey Duke, who spent time living with Murle teaching human rights, commented: “I enjoyed it when they sang [singing, clap/drum/clap/drum]; very happy. They really enjoy their life. And then when I asked why they are celebrating, it’s following a bad event. I was teaching about children’s rights and teaching about abduction, and people here are celebrating a new [abducted] entry.”<sup>308</sup> Women “celebrate the warriors,” says Walender,

“These were the things that the Dinka women and the Nuer women were asking Murle women in the [May 2012] conference. They say that you give birth to a child. Why do you celebrate when a child of your sister is brought when the raiders return and you celebrate and you get happy, and say ‘oh they came and they brought cows and they brought children’ and so on. And they celebrate that. And most of it, they abduct young women, you know.”<sup>309</sup>

Some women also commission the violence by encouraging a culture of revenge. Anne Lino Wuor Abyei noted that a well-respected female elder in the Presbyterian church in Pibor was “talking about how the Nuer attacked the Pibor area and Likuangole and she said ‘I know my children, and I have trained them well. Now, if I am killed, I know they will avenge me forty times.’”<sup>310</sup> At a reconciliation conference in Wunlit, a woman threatened cannibalism as revenge for raiding, saying “once you are caught, you thieves, since you are the ones confusing people, even though people don’t eat other human beings, we will eat you. This will be an example to all thieves, encouraging them to stop robbing others”.<sup>311</sup>

Women have historically had a significant role in the cultural practice of revenge. In Murle culture, while all other social institutions are patrilineal, the ‘institution of the feud’ is organized on a matrilineal basis.<sup>312</sup> If a man is killed, it is the duty of his feud-kin to avenge him, “either by killing the perpetrator himself, or a member of his feud kin, or by securing the

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<sup>305</sup> Lewis, op. cit., 1972, pg 96.

<sup>306</sup> Ibid., pg 96.

<sup>307</sup> Ibid., 1972, pg 97.

<sup>308</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>309</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>310</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>311</sup> Sarah Nyanyuot Chol, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>312</sup> Lewis, op. cit., 1972, pg 107.

payment of compensation.”<sup>313</sup> The feud-kin are comprised of those members of the man’s family descended in the female line from his maternal grandmother.<sup>314</sup> According to Lewis, compensation historically involved a child being handed over ceremonially to the chief and this child would take the place and name of the deceased in the family.<sup>315</sup> The children usually came from Dinka “incest-children” who were purchased by the Murle in exchange for cattle.<sup>316</sup> In 1943, after complaints about the “Murle trade in Dinka ‘incest children’”, Lewis proposed that the Murle adopt the Nuer system of paying the blood compensation in cattle.<sup>317</sup> The cattle would be provided by the perpetrator to pay bride-price for a woman to marry the “ghost of the deceased,” who would then bear him children to continue his line.<sup>318</sup>

While Lewis encouraged the Murle to stop using children for compensation, he promoted a practice that instead victimised women. The practice of using a woman for compensation has continued, and women are ‘sold’ not just to produce children to replace a deceased man, but also to facilitate reconciliation. Although central to traditional reconciliation practices, women have historically not played an active part in their role in the practices: traditional reconciliation has taken place by using women as pawns to reconcile men through a practice of blood compensation in which, if an offense is committed, “an unmarried female in [his/her] family can be compelled to marry a member of the aggrieved family, to facilitate reconciliation between the families.”<sup>319</sup>

## Abductions and Sexual Slavery

Women are not only victimised to facilitate reconciliation, as described above, but are also victims of revenge abductions and sexual slavery committed by both the Nuer and the Murle. The brutal interethnic fighting has led to an increase in abductions of women and girls as well as an increase in sexual violence, which has been used as a weapon between the warring factions. In Jonglei, women’s wombs are again being used by men. Women have become pawns in the interethnic conflicts, being abducted and often raped by the fighters. Further retaliatory raids and abductions then occur.<sup>320</sup> In 2009, hundreds of women were abducted in

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<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Lewis, op. cit., 1972, pg 108; Michel Verdon, ‘Where Have All the Lineages Gone? Cattle and Descent Among the Nuer’, *American Anthropologist* Vol. 84 No. 3, pp 566-576, September 1982.

<sup>319</sup> Bubenzer & Stern, op. cit., 2011.

<sup>320</sup> Mareike Schomerus & Tim Allen, *Southern Sudan at Odds With Itself: Dynamics of Conflict and Predicaments of Peace*, LSE DESTIN Development Studies Institute, 2010; and Deng Tiel Kur, interviewed by D’Awol, op. cit., 2011.

Jonglei state in retaliatory attacks between Lou Nuer and Murle communities, and in 2012, the UN reported hundreds of were abducted during raids.<sup>321</sup>

Gender equality activist and one of the few women members of Sudan's Legislative Assembly, Beatrice Aber, raising the problem of gender violence, noted that "aggrieved parties abduct women and children, subjecting them to sexual violence and abuse."<sup>322</sup> The killing and violence aimed at women has increased to a point where it has become "standard practice"<sup>323</sup> in the militarised inter-ethnic conflict. It has been routinely committed opportunistically because the conflict and the violence it engenders create conditions of impunity where there is no punishment for the crimes that are committed: during the raids women are considered to be legitimate spoils of war, along with livestock and other chattel.<sup>324</sup> Manuela Melandri argues the use of sexual violence as a tactic to defeat the enemy is "a crime perpetrated against women with a specific aim in mind: to destroy community relations by targeting women because of their gender".<sup>325</sup>

There is no reliable data on the number of women who have been abducted during Jonglei's recent conflict, often because, at the time of interviews, villagers cannot determine the fate of those who are designated as missing<sup>326</sup> and often numbers of abductions reported combine both women and children. The UN reported that 37 people had been abducted and several hundred were unaccounted for following the 2011-2012 Murle-Lou Nuer raids.<sup>327</sup> Several witnesses reported to the UN Human Rights Officers that they saw women and children abducted in the attacks. There were reports from witnesses that 66 children were abducted during the Lou Nuer attacks on Pibor (45 girls and 21 boys) and only four were recovered as of June 2012.<sup>328</sup> A small number of women were also reported to have been returned.<sup>329</sup> No arrests were made:

"Although kidnapping/abduction is illegal and children are to be protected from forced marriage, in no case did government authorities arrest or initiate criminal proceedings against any of the abductors, whose names and whereabouts were

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<sup>321</sup> UNMISS, op. cit., June 2012.

<sup>322</sup> Interviewed by Anyieth M D'Awol, in 'Sibu ana, sibu ana' ('leave me, leave me'): Survivors of Sexual Violence in South Sudan', in Friederike Bubenzer and Orly Stern (ed.), *Hope, Pain and Patience, the Lives of Women in South Sudan*, IJR, Cape Town, 2011.

<sup>323</sup> Sharon Elaine Hutchinson & Jok Madut Jok, 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities', *African Studies Review* Vol. 42 No. 2, pp 125-145, 1999.

<sup>324</sup> Kelly Askin, 'Prosecuting Wartime Rape and Other Gender-Related Crimes Under International Law: Extraordinary Advances, Enduring Obstacles', *Berkeley Journal of International Law*, 2003.

<sup>325</sup> Manuela Melandri, Gender and Reconciliation in Post-Conflict Societies: The Dilemma of responding to Large-Scale Sexual Violence, *Institute for Public Policy Research*, Vol. 5 No. 1, October 2009, pg. 4-27.

<sup>326</sup> UNMISS, op. cit., June 2012.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

allegedly known to the SSPS [South Sudan Police Services] and/or County Commissioner's office at the time that the women were turned over to authorities."<sup>330</sup>

The current international discourse which embodies the UN and non-governmental organisation (NGO) responses to sexual violence in conflict has not problematised the social construction of gender which continues to fuel sexual violence in armed conflicts.<sup>331</sup> As Skjelsbæk has argued, "rape in conflict is an '[accentuation] of pre-existing gender relations,' as opposed to a new phenomenon emerging with the eruption of hostilities".<sup>332</sup> GBV continues within conflict because men still see sexual domination as a powerful way to demonstrate power over 'the enemy' and as a way to disconnect from 'the other': the feminised sphere of the family and the community.<sup>333</sup> The gender discourses surrounding sexual violence in conflict have also tended to be "contaminated by assumptions about African women's normalisation of patriarchal...violences"<sup>334</sup> which means that often there are no reprisals for the sexual violence perpetrated against women during conflicts as men's violence is not questioned.

The question of what drives the abduction of women in South Sudan is a complex one to answer, and a number of explanations have been given for the seizure of large numbers of women and children during the cattle raids. These include the decline in fertility of the Murle, social pressure to marry and pay bride-price, and brutal cattleraiding economics in which women's bodies are a form of captive wealth subject to patriarchal control in the militarised conflict between ethnic groups.

One of the most frequent explanations offered by South Sudan's President Kiir,<sup>335</sup> politicians, and people on the ground in South Sudan (usually Nuer and Dinka) for the abductions is that many Murle women cannot procreate due to their acquisition of a sexually transmitted disease (reported as syphilis) that has made them sterile:

"They allege that there are cases of [infertility] and they're not able to bear children, and so for them to ensure the continuity of their community they have to abduct women and children."<sup>336</sup>

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<sup>330</sup> Ibid.

<sup>331</sup> Eve Ayiera, "Sexual violence in conflict: A problematic international discourse", *Feminist Africa: Rethinking Gender and Violence*, 14, 2010.

<sup>332</sup> Inger Skjelsbæk, *The Elephant in the Room. An Overview of How Sexual Violence came to be seen as a Weapon of War*, Report to the Norwegian Ministry of Foreign Affairs, Peace Research Institute Oslo, May 2010, cited in Eve Ayiera, "Sexual violence in conflict: A problematic international discourse", *Feminist Africa: Rethinking Gender and Violence*, 14, 2010, pg. 13.

<sup>333</sup> Annette Weber, Women Without Arms: Gendered Fighter Constructions in Eritrea and Southern Sudan, *International Journal of Conflict and Violence*, 5 (2), pg. 357-370, 2011.

<sup>334</sup> Jane Bennett, Editorial: Rethinking Gender and Violence, *Feminist Africa: Rethinking Gender and Violence*, 14, 2010.

<sup>335</sup> Agereb Leek Chol, 'Jonglei State Conflict Analysis: Why Second Disarmament is Not a Solution', *South Sudan News Agency*, 18 March 2012.

<sup>336</sup> Walender, interview with author, Juba, September 3, 2012.

In a 2008 radio interview, President Kiir openly acknowledged the problem of infertility as the cause of the abductions of women, saying:

"If this problem is to be resolved once and for good, we need...a big hospital in Pibor, the town of these [Murle] people, with specialist doctors to find out exactly what sort of venereal diseases [they] have. And so that they are treated to bear their own children instead of going to look for other people's children."<sup>337</sup>

The Nuer youth went so far as to express their willingness to discuss the problem of infertility and the need for intermarriage in a statement released by the White Army in January 2012:

"If Murle women have fertility problem, the Nuer and Dinka are willing to accept intermarriage with Murle. The Dinka, Nuer and Murle's chiefs can sit down and talk about intermarriage to assist our Murle brothers to increase their population if their women are not procreating."<sup>338</sup>

The problem of infertility dates back several decades, according to anthropologist Jon Arensen, after Sudanese independence in 1955, when the Arab-run administration assigned militia to the Murle region, and it is alleged they introduced venereal diseases into the population venereal diseases that led to sterility among some of the Murle women.<sup>339</sup> Arensen links the infertility to a surge in abduction of Dinka children.<sup>340</sup> According to this narrative, the World Health Organisation (WHO) subsequently identified the problem and administered penicillin, curing the venereal disease, "and following generations of Murle women have had many children."<sup>341</sup> However, no evidence can be found to substantiate this, and the evidence that does exist on Murle infertility is inconclusive. A 1976-1977 study of Murle infertility showed that there was a high level of infertility in both the Hill Murle and Plain Murle, 51% (of 390 families analysed), with primary infertility accounting for 10% and secondary infertility—the inability to conceive after naturally conceiving at least one child—for 41%.<sup>342</sup> The research findings did not connect the high rate of secondary infertility to syphilis however. Pelvic infections in fertile and infertile women were compared, and as no significant difference was found it was concluded that infection could not be proved to be the cause of infertility.<sup>343</sup>

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<sup>337</sup> Salva Kiir 2008 interview with Jack Rice of WCCO AM, accessed at <http://thejackriceshow.blogspot.com/2008/03/south-sudan-president-response-to-save.html>

<sup>338</sup> Lou and Jikany White Army, Press Statement: 'The Nuer White Army Ended Operations against Murle Tribe in South Sudan', *South Sudan News Agency*, 5 January 2012.

<sup>339</sup> Arensen, op. cit., 2012.

<sup>340</sup> Arensen, op. cit., 2012.

<sup>341</sup> Arensen, op. cit., 2012.

<sup>342</sup> Ulla Larsen, 'Primary and Secondary Infertility in Sub-Saharan Africa', *International Journal of Epidemiology*, 1999.

<sup>343</sup> MH Satti, O Modawi, S Darag, A Mahmud, SM Hassan and M Ramzi, *Preliminary Report on the Murle Intertility Study*, unpublished, 1979.

There is consequently a counter discourse to that of wide-spread infertility as the driving force behind Murle abductions: Arenson holds that it is “patently false”.<sup>344</sup> Guzulu states that this explanation for the abductions is “completely baseless and it’s not true.”<sup>345</sup> Guzulu argues that the claims of syphilis amongst the Murle are falsified for the purpose of destroying the image of the Murle.<sup>346</sup>

Guzulu, offers three primary reasons why women are abducted during the cattleraid that highlight how women who are seized are seen as captive wealth or tokens of exchange:

“One: somebody, maybe he lost his wife and you go and find a beautiful wife and you take that woman to substitute your lost wife, to keep her as a wife. Substitute the dead one, that’s one. Secondly, to take a woman who you want to produce children for you and then these children will get married and you get more wealth. The third one is, the third point, you just take these women so that your abducted cousin or whatever will be brought back when you give her back.”<sup>347</sup>

Aguti Adut, Jonglei State Director for Security and Small Arms Control, supports Guzulu’s first point, that “women are abducted just to be married: “If you are found, you can be abducted. Like now, if I found you [gestures to author] and I love you, I just abduct you. And you become my wife. Finished.”<sup>348</sup> Abductions are “very linked to cattle and marriage”<sup>349</sup> and the UN states that many abducted women are forced to become the ‘wives’ of men from the attacking community and remain there,<sup>350</sup> in effect their captives. Abducted girls as young as 12 years have been sold for cattle or forced into marriage.<sup>351</sup>

Another widely held explanation for the abductions includes competition over scarce resources in which women are situated as being in the middle of a process of wealth generation in an economy where there is deep poverty, a process which involves both abduction and trafficking of women and children. Firstly, the abducted woman is married “for free of course; [abductors] don’t have to pay...the bride-price”.<sup>352</sup> Secondly, young girls who are abducted and then absorbed into the family bring bride-price to the family when they are of age to be married. Thirdly, women and children can be sold after being abducted for a high price. The price for children is said to be between 40<sup>353</sup> and 60<sup>354</sup> heads of cattle for a boy and

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<sup>344</sup> Arensen, op. cit., 2012.

<sup>345</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>346</sup> Ibid.

<sup>347</sup> Ibid.

<sup>348</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>349</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>350</sup> UNMISS, op. cit., June 2012.

<sup>351</sup> Ibid.

<sup>352</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>353</sup> Abye, interview with author, Juba, September 6, 2012.

<sup>354</sup> Biel, interview with author, Juba, September 6, 2012.

about 30<sup>355</sup> heads of cattle for a girl. According to Biel Boutros Biel, Executive Director at the South Sudan Human Rights Society for Advocacy:

“It has become a business. And that is why...they say they could capture the women and sell them, make many cows. And in Akobo I was told that one Nuer child was taken to Murle land and he was bought by another man [for] 60 cows! 60 heads of cattle. It has become a business, abducting children, especially females...now it has become a business...I think it is a question of trying to evaluate the productivity of ...the kind of person you are capturing, you are taking away. Because a child, even if you sell, will bring a lot.”<sup>356</sup>

This ‘business’ of abduction and subsequent human trafficking is not commonly referred to within South Sudan as slavery, nor has there been any literature that defines the abduction practices occurring currently in Jonglei as slavery, although they can be understood as such. Contemporary slavery is defined as “the complete control of a person, for economic exploitation, by violence.”<sup>357</sup> In the 1956 Supplementary Convention to the United Nations 1953 Slavery Convention, slavery is further defined as “the selling of women by their families for marriage and the buying and selling of children for labour”.<sup>358</sup> Furthermore, in the context of the current conflict, abduction has not been addressed as a unique problem, but rather as an incidental by-product of conflict. Interviewees were reluctant to focus on the abductions in and of themselves, but rather preferred to discuss the drivers of the conflict such as revenge and retaliation, always seen to be inexorably linked to the consequence of abduction.

Many of the people interviewed regarded revenge as the most significant driver of abductions: “retribution has become synonymous with justice in Jonglei.”<sup>359</sup> Raiders know that “nothing will pain a man as when his daughter or wife or mother are abducted, and that will indicate that I am so strong that I managed to take your sister!”<sup>360</sup> Rev Daau, speaking of the peace conference in May 2012, “the thing that leaders were capitalizing on: the abduction of children and women, why? And they were questioning the Murle people: why? When you ask the Dinka and the Nuer, they would say because we were revenging.”<sup>361</sup> He recounted the Lou Nuer attack on Murle in early 2012: “they were taking a revenge attack and they overran

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<sup>355</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>356</sup> Biel, interview with author, Juba, September 6, 2012.

<sup>357</sup> Kevin Bales, *Disposable People*, Berkeley: University of California Press, 1999, cited in Jessica Bell, “Contemporary Slavery and International Law”, *Human Rights and Human Welfare*, University of Denver, 2007.

<sup>358</sup> Jessica Bell, “Contemporary Slavery and International Law”, *Human Rights and Human Welfare*, University of Denver, 2007.

<sup>359</sup> UNMISS, op. cit., June 2012.

<sup>360</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>361</sup> *Ibid.*

the whole village and of course they were taking children and women and some were killed in the middle. That was a revenge [attack]”.<sup>362</sup>

Once abducted, the fate of the woman or girl becomes an important question for both her community, and for the abductor and his community. Rev John Chol Daau explained that quite often, a raider will abduct a woman in revenge for abductions that occurred in his own village, but then not know what to do with her.<sup>363</sup> Daau argued that it is only once the woman or child has been abducted for revenge that his or her captor begins to contemplate what will be done with his captive. According to Daau, abducted women have been kept in the village to look after children, but not for immediate marriage. Eventually, “as in a long time later they will get..., ‘married’, or someone will own them, but as I mentioned before it is not the intention when that happens to take the women ... it would take more time for them to think of what they should do with them.”<sup>364</sup>

One Murle woman whom a UN Human Rights Officer interviewed described her experience after Lou Nuer raiders took her and her three children in 2012. The abducted – who numbered twice as many children as women – were forced to march in a column along the Kongkong River from Pibor to Akobo, a distance of over 110 km. Children who cried too much or complained were killed by the armed Lou Nuer youth (raiders). When they arrived in Akobo 12 days later, the Lou Nuer began “dividing up the abducted women and children amongst themselves, much like they reportedly did with their massive cattle spoils.”<sup>365</sup> Two of the woman’s children were taken, and she and her baby were then handed over to the South Sudan Police Services (SSPS) by one of the abductors. The SSPS did not file charges against her abductor.<sup>366</sup>

While this particular woman interviewed by the UN was released by her captors, most abducted women are not so lucky. While Chair of the Human Rights Commission in Jonglei, Peter Guzulu worked with women who had been rescued, and he described some of their experiences:

“Women, they don’t raid, they don’t abduct, they don’t kill, they don’t own guns, and for them to be victimised...its painful of course. Some of them are now in the hands of people whom they don’t want to be with them. They are terrorised. I interviewed some of the women who came back, and some of them were, they were confined maybe in a small compound like this, they don’t go out, they don’t go out to fetch water, they don’t go out to get firewood, in the fear that they may escape. They have

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<sup>362</sup> Ibid.

<sup>363</sup> Daau, interview with author, Juba, September 4, 2012.

<sup>364</sup> Ibid.

<sup>365</sup> UNMISS, op. cit., June 2012.

<sup>366</sup> Ibid.

to pound meal and cook all day and be in one place all the time. Some of them were separated with their children, some of them, their children were slaughtered in front of them, some of them, you know, were raped, some of them were beaten. It is a painful experience.”<sup>367</sup>

The UNMISS 2012 report on the Jonglei inter-communal conflict states that following abduction, the woman often becomes the victim of repeated incidents of rape, followed by forced marriage or assignment to the captors. The abducted ‘wife’ is forced to enter into sexual relations with her ‘husband’ for the rest of her life and to bear children. In large scale sexual violence during conflict, forced impregnation has been understood as the most blatant example of ethnic cleansing. This can be explained by cultural attitudes to ethnicity where a woman is seen as only a ‘biological box’, since in a patrilineal society the children will bear the “father-rapist’s” ethnicity.<sup>368</sup> Through systematic rape, the perpetrators aim to increase members of their ethnic group, and through this to alter and erase the ethnic identities of the raped women.<sup>369</sup>

Once a woman has been subjected to forced marriage and has borne children, it becomes even more difficult for her to leave her abductor:

“If she manages to find an opportunity to escape, she is faced with the dilemma of leaving without the children, trying to leave with them or resigning herself to remaining with the father of the children forever.”<sup>370</sup>

Jonglei State Representative to the Gender and Child Committee Anne Lino Wuor Abyei described the difficulty of abducted women to escape:

“I saw the women who were abducted by the Nuer taken back to Murle, and they had with them the children which, you know, they had while they were [in captivity]. Because the woman is returned with her children, even if they were born in the Murle land, then they go back with the children and that’s it... Now, for a woman to get up and to say I have been abducted and now she has children...how will she do it and how will she move? Maybe the woman will say, ‘okay now I don’t want to be separated with my children’, because if the children are big, they’ll say ‘oh no, now we are Murles and we don’t want to go back’, so the women will say, ‘okay because of my children now I have to stay’.”<sup>371</sup>

The practice of abductions elsewhere have been classified as ‘sexual slavery’. This term is helpful to differentiate the sexual violence during the conflict from the South Sudanese cultural practice of arranged marriage that is legal within customary law, and it could allow

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<sup>367</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>368</sup> Manuela Melandri, *Gender and Reconciliation in Post-Conflict Societies: The Dilemmas of responding to Large-Scale Sexual Violence*, IPPR Vol. 5 No. 1, October 2009, pg. 4-27.

<sup>369</sup> Ingrid Skjelsbaek, “Victim and Survivor: Narrated Social Identities of Women Who Experienced Rape During the War in Bosnia-Herzegovina”, *Feminism & Psychology* vol. 16, no. 4 (2006): pg. 375.

<sup>370</sup> UNMISS, *op. cit.*, 2012, pg 25.

<sup>371</sup> Abyei, interview with author, Juba, September 6, 2012.

prosecutions of the crime as ‘torture’ or ‘other inhumane acts’<sup>372</sup> under international human rights law.

## Responding to Abductions

While there are multiple treaties and international agreements which allow for international prosecution of crimes committed during war-time, including rape and sexual slavery, responsibility for prosecuting crimes committed during the Jonglei inter-ethnic conflict falls to the Government of South Sudan, as it is currently defined as a small outbreak of violence in a post-conflict society, rather than an internal conflict as defined by the Additional Protocol to the Geneva Convention.<sup>373</sup> Were the conflict to be defined as such, international agreements such as the Rome Statute would apply. Under the 1998 Rome Statute creating the International Criminal Court (ICC), rape has been defined as a crime against humanity, a form of genocide, a form of torture or enslavement, and a crime of war. As such, rape is now included under *jus cogens*—‘higher law’ that may not be violated by any country,<sup>374</sup> even if “such acts do not violate municipal law in the state in which they were committed”<sup>375</sup>—and can therefore be tried in the courts of any country, even those not party to the conflict.<sup>376</sup> Furthermore, the protection of women during conflicts has also been included under several international legal bodies, such as UN Resolutions 1325 on women, peace and security and 1820 on sexual violence as a tactic of war, and the African Union Protocol on Women.<sup>377</sup> The Sierra Leone Special Court significantly further expanded the definition of gender crimes recognised as crimes against humanity by widening their interpretation to include sexual slavery and forced marriages.<sup>378</sup> Yet, sadly, “while recent developments in jurisprudence in Africa have brought greater attention to the impact of conflicts on women, they have not

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<sup>372</sup> Vasuki Nesiah, ‘Discussion Lines on Gender and Transitional Justice: An introductory Essay reflecting on the International Center for Transitional Justice Bellagio Workshop on Gender and Transitional Justice’, *Columbia Journal of Gender and Law*, Vol 15: 3, 2006.

<sup>373</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Part 1 Art 1: 1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

<sup>374</sup> Helen Scanlon & Kelli Muddell, *Gender and Transitional Justice in Africa: Progress and Prospects*, African Transitional Justice Network, 2009.

<sup>375</sup> Askin, *op. cit.*, 2003.

<sup>376</sup> Scanlon & Muddell, *op. cit.*, 2009.

<sup>377</sup> *Ibid.*

<sup>378</sup> *Ibid.*

stemmed the widespread occurrences of violence against women, as this remains shockingly high in post-conflict settings.”<sup>379</sup>

In the context of the current conflict in Jonglei these agreements cannot be called upon to elicit international legal complementarity, and the local and national judicial systems do not have the capacity to prosecute the current sexual crimes. In addition, women face complex and interlocking barriers to access to justice that include:

“Cultural barriers (the marginalised role of women in their families and a social stigma attached to survivors of sexual violence); legal barriers (formal and customary laws, discriminatory judicial processes, and legal procedures that discriminate against women and afford them few legal rights); and systemic barriers (a lack of infrastructure, government resources, and personnel).”<sup>380</sup>

The SSPS have not pursued investigations into alleged abductions, even when confronted with those involved.<sup>381</sup> Although the South Sudanese Penal Code provides for 7-14 years imprisonment for kidnapping, abduction and violations of personal liberty<sup>382</sup> and up to 14 years imprisonment for rape and other sexual offences,<sup>383</sup> the weakness of the police, including in terms of man-power and capacity, has meant that even when directly confronted by someone apparently responsible for an abduction, there is no willingness to take action.<sup>384</sup> Furthermore, because of the perception that ‘marriage’ follows the abductions, the SPSS and government “rarely recognise that abductions may lead to sexual offences”<sup>385</sup> or GBV. A misunderstanding of the differences between ‘marriage’ and ‘forced marriage’ by untrained customary court judges (usually chiefs) can lead to forced marriage being misunderstood as marriage and treated as such within customary law. Marriage is upheld by customary courts as long as the man does not wish to get divorced, and violence (including sexual and GBV) that takes place within this context is “to some extent normalised in dominant social perceptions.”<sup>386</sup> Customary law allows a man to ‘discipline’ his wife, and “domestic violence is often condoned by a court if a wife is found to be ‘behaving badly’ or not fulfilling her duties, such as by failing to cook for her husband, insulting him, or drinking”.<sup>387</sup> Violence thrives in societies where power is entrenched in hierarchical structures and relations, and no

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<sup>379</sup> Ibid.

<sup>380</sup> Lowenstein International Human Rights Clinic at Yale Law School, ‘Gender-Based Violence in Southern Sudan: Justice for Women Long Overdue’, *the Enough Project*, 2010.

<sup>381</sup> UNMISS, op. cit., 2012, pg 25.

<sup>382</sup> South Sudan Penal Code Act 2008, Articles 269-274, 277-279, 283, 284.

<sup>383</sup> Ibid., Articles 247, 248, 249, 250, 251, 256.

<sup>384</sup> UNMISS, op. cit., 2012, pg 31.

<sup>385</sup> Ibid., pg 31.

<sup>386</sup> UNMISS, op. cit., 2012, pg 31.

<sup>387</sup> Small Arms Survey, ‘Women’s Security and the Law in South Sudan’, February, *Human Security Baseline Assessment*, 2012, pg. 4.

inequality is more pervasive, both vertically and horizontally, in South Sudan and across the globe than gender inequality.<sup>388</sup>

Gender justice seeks to distinguish “the nefarious forms of injustice women experience during and after armed conflict”<sup>389</sup> from the violence that is experienced by men. To date, integrating gender justice into accountability mechanisms across the world has resulted in increasing women’s representation at the decision-making table and addressing the problem of impunity for sexual violence.

“Gender-related concerns are frequently overlooked during the devising and implementation of [truth-telling] mechanisms, leading to a lack of justice for GBV and a failure to examine how gender inequalities underpin much of the violence taking place”.<sup>390</sup>

Given the social stigma in South Sudan associated with abduction, rape, sexual slavery, and other forms of GBV, a more nuanced form of accountability may be required. GBV is inherently difficult to investigate; the crimes are intensely personal, the injuries often less visible, and the details provoke discomfort and aversion.<sup>391</sup> Commenting on the response to GBV, Clement Ochan has noted the low number of reports of rape in South Sudan:

“Most victims [in South Sudan] do not report their rape, due to high stigma against rape victims and the shame that it may bring to the family. Families may not be willing to report for fear of reducing the bride-price if it is known that a young woman has been ‘spoiled’”.<sup>392</sup>

There is reluctance from all sides and the tendency is to ignore GBV, but the alternative is silence, impunity, and grave injustice.<sup>393</sup> According to Helen Scanlon and Kelli Muddell, truth-telling mechanisms offer women opportunities to participate in and influence the peace-building process and they also “present a medium to document patterns of GBV... [and] to create a more accurate historical record of the conflict”.<sup>394</sup> Truth-telling mechanisms, if inclusive, can also provide an opportunity for women’s voices to be heard, that is not alienating and exploitative.<sup>395</sup>

As noted, often abductions, forced marriage/sexual slavery, and other sexual violence are not addressed directly because they are seen merely as a by-product of the inter-ethnic conflict.

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<sup>388</sup> Nahla Valji, “Gender Justice and Reconciliation,” *Study prepared for Reconciliation Workshop*, 2007.

<sup>389</sup> Susan McKay, “Gender Justice and Reconciliation”, *Women’s Studies International Forum* vol. 23, no. 5, 2000, pg. 561.

<sup>390</sup> Helen Scanlon & Kelli Muddell, *Gender and Transitional Justice in Africa: Progress and Prospects*, African Transitional Justice Network, 2009, pg. 10.

<sup>391</sup> Anjuman Begum, “Sexual Crimes and Impunity in Conflict Zones of Assam”, *WinG-India*, November 2011.

<sup>392</sup> Ochan, *op. cit.*, 2007.

<sup>393</sup> Askin, *op. cit.*, 2003.

<sup>394</sup> Helen Scanlon & Kelli Muddell, *op. cit.*, 2009, pg. 11.

<sup>395</sup> Vasuki Nesiah, ‘Discussion Lines on Gender and Transitional Justice: An introductory Essay reflecting on the International Center for Transitional Justice Bellagio Workshop on Gender and Transitional Justice’, *Columbia Journal of Gender and Law*, Vol 15: 3, 2006.

When asked why abductions received little to no mention in the discussions amongst participants at the conference, Peter Guzulu explains:

“People know that abductions happen because of a fight, so when we address the issue of fighting, or of the war among the [ethnic groups], then abduction will not happen. That’s why we have to concentrate on the main agenda, which is raiding and attacks against each other. And so when they address this, and nobody is attacking the other side, then abductions will not take place. That is why they want to address the stem of the conflict.”<sup>396</sup>

However, as has been illustrated above, abductions are not just a by-product of the conflict, but are a product of the existing patriarchal hierarchy which results in unequal gender power relations and cultural practices. Abductions have not been adequately addressed as a result of the deep-seated gender imbalances in a historically patriarchal culture. A focus on restorative gender justice and reconciliation could help both men and women move beyond their trauma and begin to reconstruct their lives.<sup>397</sup>

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<sup>396</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>397</sup> Noleen Heyzer, “Gender Justice”, Statement to the Security Council on Women, Peace and Security by Noleen Heyzer, Executive Director, UNIFEM, 28 October 2004.

## Chapter 5 | Reconciliation in Jonglei

“We, the People of South Sudan... Dedicated to a genuine national healing process and the building of trust and confidence in our society through dialogue...Determined to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law... Do hereby adopt and promulgate this Interim Constitution of Southern Sudan.”<sup>398</sup>

### Reconciliation and Gender Justice

Reconciliation is the process of repairing damaged relationships.<sup>399</sup> In order for people to come to terms with a traumatic past, a process of acknowledgement, forgiveness, reconciliation and healing is required as stepping stones towards the building of a viable, legitimate and inclusive democracy.<sup>400</sup> Only with acknowledgement of what has gone before—at the national, community and individual level—can relationships begin to be restored. Although the word *reconciliation* has many meanings and remains a highly-contested concept, the basic definition entails the intersection of a search for a shared truth, some form of justice, and an element of forgiveness and healing.<sup>401</sup> During the reconciliation process, the parties should feel that the truth about the past is being revealed, recognised, and remembered; that justice is being fulfilled or re-established and injustices are being corrected; that their vulnerability is decreasing; and that healing is taking place through “the acknowledgment of victimization, the restoration of dignity and the management of trauma.”<sup>402</sup> According to Donald Shriver, “no ‘new integration’ will ever be possible between enemies in a struggle over social justice without their mutual achievement of a new memory

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<sup>398</sup> Preamble of the Interim Constitution of South Sudan, 2005, modified in the Transitional Constitution of 2011 to say “...Do hereby, through this Southern Sudan Legislative Assembly, amend the Interim Constitution of Southern Sudan, 2005, which shall be adopted and hereafter referred to as the “Transitional Constitution of the Republic of South Sudan, 2011,” and shall be the supreme law by which the independent and sovereign South Sudan shall be governed during the Transitional Period, and undertake to abide by, respect and defend it.”

<sup>399</sup> Cited by Allan Ngari in “Reconciling Kenya”, *Institute for Justice and Reconciliation*, 2012: This understanding of the concept of reconciliation can be found in the following: Roth, J. 2004. *Unless Experience: Its significance for reconciliation after Auschwitz*. In: D. Patterson & J.K. Roth, (eds). *After Words: Post holocaust struggles with forgiveness, reconciliation, justice*. Seattle: University of Washington Press, 86; Philpott, D. 2006. Introduction. In: D. Philpott (ed.) *The Politics of Past Evil: Religion, reconciliation and the dilemmas of transitional justice*. Notre Dame: University of Notre Dame Press, 14; Govier, T. & Verwoerd, W. 2002. Trust and the Problem of National Reconciliation. *Philosophy the Social Sciences*, 32(2), 178—205. This is the second sense of reconciliation that Paul M. Hughes identifies in his 2001 *Moral Atrocity and Political Reconciliation: A preliminary analysis*. *International Journal of Applied Philosophy*, 15(1), 123—135.

<sup>400</sup> Pamela Machakanja, “Healing and Reconciliation in Zimbabwe: Challenges and Opportunities”, *Institute for Justice and Reconciliation*, 2010.

<sup>401</sup> Sanam Naraghi Anderlini, Camille Pampell Conaway and Lisa Kays, “Transitional Justice and Reconciliation”, in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*, eds Women Waging Peace (Cambridge, MA: Women Waging Peace, 2005), pg. 3; IDEA, pg. 12.

<sup>402</sup> Hugo van der Merwe, “Reconciliation: The Theoretical Context“ in *The Truth and Reconciliation Commission and Community Reconciliation: An Analysis of Competing Strategies and Conceptualizations*, Centre for the Study of Violence and Reconciliation, Cape Town, 1999.

of the past, a new justice in the present, and a new hope for community in the still-to-be-achieved future.”<sup>403</sup>

In a post-conflict society like South Sudan, deeper forms of social reconciliation and transformation are needed to redress the traumatic events that transpired during the conflict.<sup>404</sup> Post-conflict reconciliation can typically occur in a situation where war has ended, a settlement has been reached, and a new regime is faced with the challenge of reconstructing society and restoring damaged relationships. In this context, reconciliation is a process through which a society moves from a divided past to a shared future and re-builds relationships between former enemies. Of particular concern here are the issues raised when a gender perspective is included in reconciliation efforts, particularly as to how this could affect the idea of who needs to be reconciled. It is important to understand women’s roles in these conflicts and to acknowledge that men and women experience war differently and hence have different post-conflict needs. To date, reconciliation discourses have substantially failed to address *gender reconciliation*.<sup>405</sup>

In South Sudan, traditional reconciliation has taken place by using women as pawns to reconcile men.<sup>406</sup> There has not been a focus on restorative gender justice and reconciliation. Gender reconciliation is the convergence of men and women to understand and empathize with each other and to work together to end gender injustice, including discrimination and GBV. This is achieved both through gender justice: that is, the ending of, and the provision of redress for, inequalities between women and men that result in women's subordination to men; and by mainstreaming gender by incorporating strategies to ensure focus on gender and women’s issues, as well as the engagement of more women personnel in all dimensions of design, implementation, monitoring and evaluations of policies and programs.<sup>407</sup> The concept of restorative gender justice moves beyond discourses of criminal punishment to focus on repairing relationships.

South Sudan’s 2012 Country Gender Assessment (CGA) highlighted the need for inclusivity of reconciliation policies, recommending that the GRSS should “ensure a credible and gender

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<sup>403</sup> 1995, pg. 7, cited in van der Merwe, op. cit. 1999.

<sup>404</sup> van der Merwe, op. cit., 1999.

<sup>405</sup> Manuela Melandri, Gender and Reconciliation in Post-Conflict Societies: The Dilemmas of responding to Large-Scale Sexual Violence, IPPR Vol. 5 No. 1, October 2009, pg. 4-27. (Some have acknowledged this gap, see Institute for Democracy and Electoral Assistance (IDEA), Reconciliation after Conflict (Stockholm: IDEA, 2003), pg. 13-14; D. Pankhurst, ed., Gendered Peace: Women’s Struggle for Post-War Justice and Reconciliation (Geneva: Routledge & UNRISD, 2007), pg. 11; United Nations Research Institute for Social Development (UNRISD), Gender Equality: Striving for Justice in an Unequal World (Geneva: UNRISD, 2005), pg. 233.)

<sup>406</sup> See chapter on [Singing, Support and Celebration](#).

<sup>407</sup> Anne Marie Goetz, "Gender Justice, Citizenship and Entitlements: Core Concepts, Central Debates and New Directions for Research" 2007, Maitrayee Mukhopadhyay and Navsharan Singh (eds.), *Gender Justice, Citizenship, and Development*. New Delhi: Zubaan, 2007.

inclusive process of accountability and national reconciliation to promote healing, unity, and peaceful co-existence.”<sup>408</sup> However, it has been argued that this recommendation was too general to be of any concrete assistance.<sup>409</sup> Advocacy against GBV is not effective if relegated to women’s groups but when men also play a role in promoting the public acknowledgement of this violence—an act which is traditionally discouraged for women.

In South Sudan, poverty and disarmament as well as the absence of proper reintegration programmes and trauma counselling after the civil war have added to heightened emasculation of men and break-down in communities’ social and cultural cohesion. Targeted sexual violence within the inter-ethnic conflict in Jonglei has further affected gender relations as well as men’s self-worth and masculinities. Acknowledgement is the first step towards repairing and healing the engendered trauma.

### Seeking the Truth

In an attempt to theorize the relation of violence to acknowledgment and justice, René Girard describes the historical move from sacrifice to judicial systems, in which the private vengeance of a sacrifice (which must then be avenged) is replaced by the public vengeance of a trial, which punishes the actual perpetrator, and not a surrogate.<sup>410</sup> John Borneman critiques this theory, arguing that sacrifice is not an event which occurs only in primitive societies but in modern ones as well, and the sacrificial group is not in fact an undifferentiated whole, but rather a politically selected “reservoir for pollution and therefore a target for purification”.<sup>411</sup> His understanding is that sacrifice is intended to identify and kill, symbolically or actually, in order to purify and unite the affected group. The Dinka were one of the main societies cited by Borneman to support this theory, and therefore his argument that “modern judicial systems in democratic states are not immune from sacrificial rites, but instead, especially during this period of (re)invocation, they rely on sacrifices in order to...assuage victims”<sup>412</sup> is particularly applicable to the case of Jonglei.

The most familiar form of justice is criminal prosecution. Criminal trials serve two principal purposes: first, they constitute an acknowledgment of the suffering inflicted on the victims, and second, they serve to reinforce society by demonstrating that “the most fundamental rules

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<sup>408</sup> Andrés Pérez, Gender Support and Development Project Completion Report, South Sudan Ministry of Gender, Child and Social Welfare, 2012, pg. 29.

<sup>409</sup> Ibid.

<sup>410</sup> 1977, cited in John Borneman, *Settling Accounts: Violence, Justice and Accountability in Postsocialist Europe*, extracts from Ch. 1, pp 3-16, 20-26, 1997.

<sup>411</sup> John Borneman, *Settling Accounts: Violence, Justice and Accountability in Postsocialist Europe*, extracts from Ch. 1, pp 3-16, 20-26, 1997.

<sup>412</sup> Ibid.

that make a civilized society possible may not be flouted with impunity.<sup>413</sup> According to Aryeh Neier, “justice provides closure. Its absence not only leaves wounds open, but its very denial rubs salt in them”.<sup>414</sup> Accordingly, governments have a duty to achieve justice for victims of human rights abuses through accountability of the offenders. Morally, victims, their loved ones, and the community have a right to know the details regarding the perpetrators, victims, and circumstances of human rights violations.<sup>415</sup> Since the police and judiciary in Jonglei have demonstrated that they do not have the capacity to prosecute raiders and abductors, a peace conference that incorporates a strong element of truth-telling or an investigatory commission may be better suited to the needs of the current conflict. Naming names is part of the truth-telling process, and is especially important when the judicial system does not function well enough to expect trials. Those named in a truth-telling exercise or a commission of inquiry report are popularly understood to be guilty, and the distinction between criminal and legal guilt lost on most readers.<sup>416</sup> “The exact form of accountability is less important than the existence of some process for stigmatizing the offender”.<sup>417</sup>

“The revelation of the truth...and the resulting public condemnation serve just as well as the imposition of punishment to impress upon the public minds the kind of behaviour society is unwilling to accept”.<sup>418</sup> Truth-telling brings the effect of the truth process from the confined perpetrator/victim spheres to the wider affected community, allowing all members to feel the effect of the process. Truth-telling processes are important methods to redress violence and serve to help—at a collective level—to establish a ‘historical memory’ of violence committed, and—at an individual level—to help victims feel validated by the affirmation of others that gross violence was committed against them and therefore to begin to feel peace and to heal. Louis Bickford furthers this argument, explaining that truth-telling is a key element of historical accountability, limiting the possibility of denial or the trivialization of victims’ experiences and “transforming common ‘knowledge’ into official ‘acknowledgment’”.<sup>419</sup> By providing a platform for victims’ experiences to come alive, people begin to understand the context of violations, and see that the victims who spoke about violations were not speaking just for themselves, but were representing many who were unable to come forward. This will help peacebuilding in a volatile region, as peaceful

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<sup>413</sup> Aryeh Neier, *‘Guilt’ in War Crimes: Brutality, Genocide, Terror and the Struggle for Justice*, pg. 210-228, 1998.

<sup>414</sup> *Ibid.*

<sup>415</sup> Stephen Ratner and Jason Abrahams, “Striving for Justice: The Prospects for Individual Accountability”, *Accountability for Human Rights Atrocities in International Law — Beyond Nuremberg Legacy*, pg. 291-303, 1997.

<sup>416</sup> Patricia Hayner, “Naming the Guilty”, *Unspeakable Truths*, pg. 107-132. 2001.

<sup>417</sup> Ratner & Abrahams, *op. cit.*, 1997.

<sup>418</sup> Raul Alfonsin, “Never Again in Argentina”, *Journal of Democracy*, Vol. 4, pg. 15-19, 1993.

<sup>419</sup> Tristan Anne Borer, “Truth Telling as a Peace Building Activity: A Theoretical Overview”, *Telling the Truths: Truth Telling and Peacebuilding in Post-Conflict Societies*, pg. 17-28, 2006.

coexistence is much more likely if those who were victimized see someone called to account for their suffering.<sup>420</sup>

However, there is also a risk that a truth-telling process can open up painful wounds and serve as a catalyst for more conflict. Leben Nelson Moro discussed the risk in Jonglei that truth-telling, if it went back to the time of the 1991 SPLM split and the subsequent Bor Massacre, could re-open a lot of wounds: “people [may] say ‘we can never forgive this’”.<sup>421</sup> Moro advised, “maybe, don't open [wounds] up. Maybe it is still too early to open them up. Give it time a bit for things to cool down. And that is the main concern of many people is that, so many bad things happened, so many atrocities were committed by all sorts of people, so better just lie low. Time alone is another way to [heal]”.<sup>422</sup>

### The Wunlit and Liliir Peace Conferences, 1999 and 2000

Ten years prior to the recent escalation of violence a surge in violence in then Upper Nile, Bor County, Sudan, led to truth-telling and reconciliation processes that have been heralded in the new South Sudan as positive examples of inclusive peacebuilding. In 1999 and 2000, two inter-communal peace conferences were held in what is now Jonglei: the Dinka Nuer West Bank Peace & Reconciliation Conference (in Wunlit, March 1999), and the East Bank Nilotic People Peace and Reconciliation Conference (in Liliir, May 2000). The conferences are commonly referred to by the locations they were held, and thus will be called ‘the Wunlit Conference’ and ‘the Liliir Conference’ henceforth.

The Dinka-Nuer West Bank Peace & Reconciliation Conference held in Wunlit, March 1999, was a turning point for women in [South] Sudan; they were given a platform to speak and were able to participate as session leaders. Female Chairperson Ayen Maguot spoke out in the conference: “you, women, please continue to sing. I say to you men, you must stop ridiculing women. Today we have the victory, for I am your chairman. Even if we are silent the children learn from their parents. In the past we have not spoken because you have deprived us. We women are honest in what we say.”<sup>423</sup>

At the conference, Sarah Nyanyuot Chol implored all participants, and especially the youth, to pay attention to women’s input at the conference:

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<sup>420</sup> Aryeh Neier, *Guilt in War Crimes: Brutality, Genocide, Terror and the Struggle for Justice*, pg. 210-228, 1998.

<sup>421</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>422</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>423</sup> Chairperson Ayen Maguot, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

“It has long been true that women are ignored, like a dog that passes by, no one pays attention to it...All of you, but especially the youth, be patient and listen to what the women have to say. It is good that we women are here to witness the outcome of these meetings...I want to grasp hands [with a Dinka woman] so that our young people can see that we are reconciled. Any resolutions that come from this meeting should also include the contribution of we women. Throughout the recent years of war we have been unhappy with our soldiers...In this meeting it is not you who will make decisions alone, but we women must also participate...We women have come here for peace and reconciliation. If women were not participating, we would have doubted its authenticity...I invite all women to participate fully in this conference. I asked my sister to stand beside me because I want to show those who make problems among us, that we [Nuer and Dinka] stand together for peace and reconciliation. We women, we will grasp our hands together.”<sup>424</sup>

Mother Sadia Mangok explained the effect of the conflict on women and the dangers they faced in travelling to Wunlit to attend the conference:

“I have come with women from Dinka, and women of Nuer. This is a place of destruction and suffering, of war, where many have been killed before our peoples. Yet they have come to be with us in this place, knowing that they could suffer with us and even be killed. Yet they are willing to die. Someone who has come to be with you in such difficult conditions is greater than a mother or a sister. Their solidarity is a great gift.”<sup>425</sup>

She then described the crucial role that she and other women had come to Wunlit to play in the peacebuilding and reconciliation process:

“What we women want to ask of you, (chanting begins among people) is why should our children suffer and die as they are? In any conflict, men do not reconcile with one another, but it is the women who feel the pain and call for reconciliation between our peoples. I have three years running the Workshop in Adoor. When we began the peace process we were given the mandates written down. People mocked us and laughed saying you will be killed by the enemy. But today we are succeeding, and you men must follow us as we open the way for peace. Today we are in Wunlit for the purpose of peace and reconciliation. What I pray to God is for the peace of our peoples. Yesterday we sacrificed Mabior [a bull] to confirm this, our intention, which we have all witnessed. Mabior has washed the evil and conflict from among us, and I want us to continue in this way. We women call for peace and call all men to follow us.”<sup>426</sup>

Another significant achievement of the Wunlit conference was the way in which abductions were treated. Addressing the abductions of women and children was a primary focus, and a working-group of 60 participants produced and presented targeted recommendations for the creation of abductee identification teams and the return of women and girls who had been abducted and “married”. Although the “forced marriage” was treated as “marriage” by the

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<sup>424</sup> Sarah Nyanyuot Chol, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>425</sup> Mother Sadia Mangok, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>426</sup> Ibid.

participants and not as a gender-based crime to be prosecuted, the emphasis on the women's voice throughout the proposed process was a step forward for gender justice. The resolutions included asking an unmarried abducted woman whether or not she desired to remain with her "husband," requiring payment of bride-price if yes; and repatriating a previously married woman and her children to her home community immediately, requiring the abductor to pay a fine for adultery. The recommendations conclude with the statement, "the taking of women must be strongly discouraged. The practice corrupts and destroys our family structure".<sup>427</sup>

Following the presentation of the resolutions, a discussion followed between Stephen With and moderator Dhol Acuil which highlights the way abductions are often understood. Mr. With requested that the provision that required an abductor to pay a fine for adultery to the woman's husband be removed, as the women had remained with their new "husbands" for a long time. The moderator replied that "it is a violation when a married woman is taken as a wife in a foreign land in both Dinka and Nuer customary law. The other point Stephen says that it would be wrong to fine the man for adultery. When you have taken a woman who is another man's wife, and then declare you have no responsibility to pay a fine, that is an offence in any court on earth."<sup>428</sup> In response to this, another man argued that unless abductors were also required to return captured cattle and bring back to life the people they had killed, then they should not be made to pay a fine for adultery, saying "it is true that the woman concerned has been abducted. But the woman has been found alive, and she can return to her husband. What's wrong with that? The husband is fortunate. The one who must pay compensation for adultery is one who has seduced someone's wife. He is a thief and must be punished." This viewpoint sparked a debate amongst the participants and the leadership as to whether or not a woman was a legitimate "booty of war".<sup>429</sup> At no point was any mention made of prosecutions for abduction or for the women's rights, but rather the conversation revolved around the rights of the husband and the abductor, who had "care[d] for her, feeding her for a long time."<sup>430</sup> This conversation illuminates the opinions surrounding abductions in Jonglei and demonstrates the way abductions, sexual slavery, and women's rights are often conceptualised. After discussing abductions, the conference participants proposed resolutions to encourage reconciliation amongst the political elite, including that a letter be sent to Dr.

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<sup>427</sup> For a complete list of the recommendations, see Appendix [Wunlit Recommendations on Abductions](http://southsudanfriends.org/wunlit/index.html), from the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>428</sup> Stephen With and Dhol Achuil, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>429</sup> Dung Maliet Bwong, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>430</sup> Chief Magok, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

John Garang and Riek Machar requesting that they come together to reconcile their differences.

Inspired by the success of the Wunlit Conference, the Liliir Conference<sup>431</sup> brought together over 250 traditional and civil leaders from Anyuak, Dinka, Jie, Kachipo, Murle and Duer ethnic groups, to “address the deep division and conflict that have arisen between them, especially as a result of the country's 17 year long civil war” and “aggravated (and in many cases manipulated) by the warring parties”.<sup>432</sup> As a result of the conference, attendees agreed on access to animal grazing areas and water points, to amnesty for prior offences, and to the return of all abducted women and children; these agreements were written as a public covenant between the ethnic groups for peace and reconciliation and signed by all 129 representatives.<sup>433</sup> Regarding abductions, the Liliir recommendations were severely lacking compared to the recommendations from Wunlit and simply stated that “all abducted women and children are freely returned to their places of origin, and where necessary, marriage customs are fulfilled.”<sup>434</sup>

### The Jonglei Peace Conference, 2012

Over a decade after the Wunlit and Liliir conferences, following the recent surge in violence in Jonglei, in February 2012 President Kiir appointed a Presidential Committee for Peace, Reconciliation and Tolerance in Jonglei State, chaired by Archbishop Daniel Deng Bul, and in May 2012, an All Jonglei Peace Conference was held in Bor. Anne Lino Wuor Abyei, who was selected by President Kiir to serve as a session leader at the conference, explained “the objective is to see the root causes and to see how the government can bring a lasting peace, and how the community can be involved, how the leaders, the chiefs, the women, the youth, and even the students and the civil society, we include the church also, yes. So the objective of it is to know the root causes and the lasting peace in Jonglei state.”<sup>435</sup> However Lam Cosmas, co-facilitator of the Greater Fangok regional peace conference, described the peace process in Jonglei as “an effort of...not peacebuilding...but it is fire fighting.”<sup>436</sup>

Rev. John Chol Daau, the Co-facilitator of the conference for the South Sudan Council of Churches who headed the selection committee, made provisions for the inclusion of all ethnic

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<sup>431</sup> Under the auspices of the New Sudan Council of Churches (NSCC)

<sup>432</sup> East Bank Nilotic People Peace and Reconciliation Conference Report, Liliir, Sudan, May 2000.

<sup>433</sup> Ibid.

<sup>434</sup> Liliir Covenant between the Anyuak, Dinka, Jie, Kachipo, Murle and Muer who attended the East Bank Nilotic People Peace and Reconciliation Conference Report, Liliir, Sudan, May 2000.

<sup>435</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>436</sup> Cosmas, interview with author, Juba, September 4, 2012.

groups, as well as equal representation by religious leaders, traditional leaders, youth from cattle-camps, and especially women.<sup>437</sup> According to Rev. Daau,

“The communities felt that the women should say their concern, that they should express their grievances or whatever concern they had, and I would personally say the conference is well represented by the women. I was part of the organizing team to recruit participants; we were very intentional that women and the youth have to be represented properly, although I’m not yet convinced whether [the women] were able to talk as I would have wished, but they considerably have talked and expressed their views, and that shows to me that the communities have realized the most effective people are the children and women.”<sup>438</sup>

The selection committee worked to ensure that women were represented, and although none of the county commissioners or chiefs were women, thirteen women representatives (of 89 delegates) attended to fulfil a quota for “women representatives”,<sup>439</sup> and one session leader, Honourable Anne Lino Wuor Abyei, was a woman. None of the county commissioners were women, and session leader Honourable Anne Lino Wuor Abyei noted on the record that there had been no female chief nominated to attend the conference.<sup>440</sup> After the conference, she shared that women “talked beautifully and very courageously. I saw them there speaking.” She argued that, for those women who felt uncomfortable speaking out in front of men, a women-only conference would have allowed them to feel safe and to air their grievances more substantially and participate more actively in the discussion: “it would be more, it would be better in a more, only women conferences. But for educated women, yes, they always speak up.”<sup>441</sup>

Lam Cosmas was not as positive as Abyei about the role that the women were able to play, and argued that their voices were not respected and men did not heed their words as they did the male speakers’:

“It is just window dressing that the women were there, it is just window dressing, it is just window dressing, let’s take it, it is just window dressing so that we show that the women are there. We need to see that they come and make speeches... really, the women in the Peace Conference were just nominal. Nominal. Nominal... And because they are down, they are down, they are down, they are down there. So when we develop the criteria and say, each county should bring at least two women, of course the quality matters. And when you bring illiterate, illiteracy affects the leadership.”<sup>442</sup>

The peace conference was also criticized for being too far removed from the actual conflict. According to Leben Nelson Moro:

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<sup>437</sup> Daau, interview with author, Juba, September 4, 2012.

<sup>438</sup> Daau, interview with author, Juba, September 4, 2012.

<sup>439</sup> *Final Report of the Committee for Peace, Reconciliation and Tolerance in Jonglei State*, 2012.

<sup>440</sup> *Final Report of the Committee for Peace, Reconciliation and Tolerance in Jonglei State*, 2012, pg. 35.

<sup>441</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>442</sup> Cosmas, interview with author, Juba, September 4, 2012.

“You create this artificial environment; you pull [people] out of the wild and then you sit here in this hotel, a very strange environment, and people talk and they agree on something, people clap, and then people go back to the real world...It is a lot of this one off with the media people showing up, they go around and they greet [each other], they sometimes do, like, the cultural funny funny what, and then they go home. Everybody says, ‘we have solved the problem.’”<sup>443</sup>

Due in part to the resurgence of David Yau Yau’s militia, the All-Jonglei process was not been able to put an end to the violence. However, it is important to recognise that progress was made towards truth-telling, open dialogue, and reconciliation. In addition, important steps were taken towards greater inclusivity, especially for women. Both the 1999 Wunlit and the 2012 All-Jonglei inter-communal peace conferences have been referenced as positive examples of the shifting in perceptions of the roles of women as leaders and peacebuilders. Furthermore, at the All-Jonglei Conference, all six of Jonglei’s ethnic groups signed a peace deal witnessed by President Salva Kiir Mayardit on May 6, 2012 in Bor, and a short period of increased security followed.

A new National Committee for Healing, Peace and Reconciliation (NCHPR), chaired by Archbishop Daniel Deng Bul, was formed in May 2013, to continue the work of reconciliation not just in Jonglei, but in all of South Sudan. The Committee took over where the former Journey of Healing and Reconciliation—led by former Vice President Riek Machar and his wife Angelina Teny, and supported by Initiatives of Change—left off. In a political move in April, a precursor to the government reshuffle which removed Machar from the Vice Presidency, President Kiir issued a presidential order halting the Machar-driven reconciliation process, and forming a new committee. The new church-led national process began with a day of prayer on 8 July 2013—the eve of the anniversary of Independence. As Deputy Chair of the Committee for National Healing, Peace and Reconciliation, Bishop Taban emphasised that the process “must be built on spirituality and also on our rich traditional culture.”<sup>444</sup>

The Committee will begin the community-led process of National Healing, Peace and Reconciliation by travelling to all 10 states later this year and into 2014 to conduct extensive community consultations. Guided by the core values of pluralism, inclusivity, peacemaking, social justice, forgiveness, healing, atonement and sovereignty; the Committee will endeavor to establish and strengthen an independent and inclusive platform and mechanism to collectively address the root causes of conflicts in South Sudan; build bridges across the political and social divides; heal and reconcile all South Sudanese, particularly those with the

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<sup>443</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>444</sup> Bishop Paride Taban, Deputy Chairperson of the South Sudan National Committee for Healing, Peace and Reconciliation, conversation with author, Juba, June 2013.

most severe physical and psychological scars; resolve all war-induced community conflicts; and document and establish community narratives of the war and the respective healing and reconciliation journeys.<sup>445</sup>

After the longest civil war on the African continent, “we are all traumatised,” says Bishop Taban, “we have to heal ourselves. It is a big thing, but for me I say, because I have faith, I am always optimistic. With God, there is nothing impossible.”<sup>446</sup>

University of Cape Town

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<sup>445</sup> National Healing, Peace and Reconciliation Committee, “Comprehensive Strategic Dimensions for Healing, Peace and Reconciliation for all South Sudanese”, July 2013.

<sup>446</sup> Bishop Paride Taban, conversation with author, Juba, June 2013.

## Chapter 6 | Peacebuilding, Politics and Reconciliation

### Engendering Peacebuilding

Peacebuilding was defined by Boutros Boutros-Ghali as “sustained, co-operative work to deal with underlying economic, social, cultural and humanitarian problems” and refers to activities that seek “to establish the foundations of peace and provide the tools for building on those foundations” in order to avoid a relapse into conflict.<sup>447</sup> Peacebuilding is a process where political, security, and development aspects come together, and incorporates initiatives such as disarming, reintegrating ex-combatants, advancing the protection of human rights, promoting formal and informal political partnership, and promoting conflict resolution and reconciliation techniques.<sup>448</sup>

The UN has made steps forward in promoting a gendered perspective within peace-making and peacebuilding through the October 2000 adoption of UNSCR 1325, which affirms: “the important role of women in the prevention and resolution of conflicts and in peace-building, and ... [stresses] the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security,” and mandates that states “ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”<sup>449</sup>

In Resolution 1325, the Security Council highlighted the strong link between women’s inclusion and the promotion and maintenance of sustained peace, and appealed for “effective institutional arrangements to guarantee their protection and full participation in the peace process.”<sup>450</sup> The resolution calls for ‘gender balance’ in participation throughout all processes for decision making, policy making and operationalizing measures for post-conflict peacebuilding and ‘gender mainstreaming’ in the formulation of all peace-building policies, practices and law and in their implementation. In many countries, including South Sudan, endemic discrimination is still a significant barrier to achieving the resolution’s goal of inclusivity and gender equality.<sup>451</sup> Although UNSCR 1325 gives women’s organizations a meaningful tool to legitimize their demands for inclusion, unfortunately, “the nature of conflict often results in the exclusion of women’s voices from peace negotiations resulting in

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<sup>447</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>448</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>449</sup> UN Security Council, Security Council resolution 1325 (2000) [on women and peace and security], 31 October 2000, S/RES/1325, 2000.

<sup>450</sup> Jeanette Boehme, ‘Literature Research on the Implementation of UN Security Council Resolution 1325, in Gunta-Werner-Institute for Feminism and Gender Democracy (ed.), *Women Peace and Security*, Heinrich Böll Stiftung, 2008.

<sup>451</sup> International Crisis Group, op. cit., June 2006.

their concerns not being addressed in any meaningful way in the peacebuilding process”.<sup>452</sup> Lack of political will for the implementation of the principles enshrined in UNSCR 1325 in South Sudan, as well as culturally entrenched gender discrimination, has the potential to render the resolution meaningless. Christine Chinkin and Hillary Charlsworth have reasoned that the resolution’s sweeping definitions deprive the concepts contained within of any force and, when translated into action, governments often employ ‘gender mainstreaming’ through general provisions to take account of ‘the needs of women as victims of conflict, which frame women as victims rather than actors in peacebuilding with transformative potential’.<sup>453</sup> Classifying women solely as victims of conflict reinforces their subordination by men, who do not view them as equal players in negotiation and peacebuilding exercises, but rather as passive pawns, used by men during conflict, who need to be protected by men in the aftermath. According to Eve Ayiera:

“The UN dialogue on sexual violence has highlighted the importance of inclusion of women in peace talks, in decision making processes. However, this approach does not problematize the fact that the system into which women are to be included is already dysfunctional as a tool for equality in social relations. Further, the use of phrases such as ‘taking women’s views into account’ indicates an acceptance of women on the periphery mitigated by generous calls for opportunities to participate, not as equals where they can question the system, but to have their views included much as one would take into account the opinions of an external party. The discourse, while seeking to shift the balance of power, in fact reiterates that women are on the outside looking in, and are asking for a seat at the table ‘if it is alright with the boys’.”<sup>454</sup>

Despite UNHCR 1325’s weaknesses, it nevertheless offers women a language recognised by states in which to claim an entitlement to be involved in policy and decision making about peacebuilding.<sup>455</sup> In South Sudan, civil society organizations and women’s groups invoked UNSCR 1325 in their demands to have women be included at the negotiation table during the peace negotiations at both Machakos in 2002 and Naivasha in 2005. In response, SPLA/M nominated women to attend the Machakos negotiations in 2002, but former SPLA/M negotiator Anne Itto’s insight as one of the delegates was that, although invited, the women were not able to participate in the negotiations in any meaningful way. “The women were often co-opted...at short notice...with very little opportunity to develop a women’s peace

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<sup>452</sup> Scanlon & Muddell, op. cit., 2009.

<sup>453</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>454</sup> Ayiera, op. cit., 2010.

<sup>455</sup> Chinkin & Charlsworth, op. cit., 2006.

agenda; they were expected to contribute to the overall party position, which was gender blind to begin with.<sup>456</sup>

During the Machakos negotiations, when SPLA/M female representatives proposed a minimum quota of 25% women at all levels of government, “one senior member of the SPLA/M delegation laughed and asked [Itto] where the women would be found to fill these positions”.<sup>457</sup> While this quota was initially accepted in the larger group, which included three women, it was dropped to 5% by the all-male SPLA/M drafting committee. Although the Chairman subsequently raised the quota to 10%, it was eventually refused by government negotiators on the basis that women had not been fighters.<sup>458</sup>

According to ElSawi of women’s advocacy group SuWEP, despite strong efforts to send ten SuWEP representatives to the negotiations, as was their right under UNSCR 1325, women were denied participation on the basis that “this was a men’s affair”.<sup>459</sup> As a result, there were no women present at the Naivasha negotiations in 2005, which resulted in the CPA. Anne Itto emphasizes that this was not due to lack of experience or capacity, but purely perceptions of women’s role “as passive victims of war, not active players in politics and security”.<sup>460</sup> While women’s position papers were accepted at Naivasha, their concerns were not included among the recommendations.<sup>461</sup> Even though female combatants comprised 7% of the SPLA fighting force, women were not able to gain access to the post-referendum negotiations due to the fact they were not recognized as fighters in the 2005 CPA. As such, they were denied a voice “in vital decisions concerning the political, economic, legal, and military future of the country”.<sup>462</sup> Female SPLA fighters interviewed by Dyan Mazurana emphasized that women’s issues had been marginalized during the peace negotiations, and that women were absent or silenced during the discussions.<sup>463</sup>

As discussed earlier, the CPA called for a ceasefire, a withdrawal of troops from Southern Sudan, wealth-sharing and power-sharing, and a referendum for the independence of Southern Sudan to be held no later than January, 2011.<sup>464</sup> It also included provisions for a Southern Sudanese Interim Constitution, which included a Bill of Rights, but did not address

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<sup>456</sup> Anne Itto, *Guests at the Table? The Role of Women in Peace Processes*, A participant at a meeting organized by Pact Sudan, 2006.

<sup>457</sup> Itto, op. cit., 2006.

<sup>458</sup> Itto, op. cit., 2006.

<sup>459</sup> ElSawi, op. cit., 2011.

<sup>460</sup> Itto, op. cit., 2006.

<sup>461</sup> ElSawi, op. cit., 2011.

<sup>462</sup> Weber, op. cit., 2011.

<sup>463</sup> Dyan Mazaurana, *Women in Armed Opposition Groups Speak on War, Protection and Obligations under International Humanitarian and Human Rights Law*, Report of a workshop organized in Geneva by Geneva Call and the Program for the Study of International Organization(s), August 26-29 2004.

<sup>464</sup> Jort Hemmer, *Ticking the Box: Elections in Sudan*, Clingendael, Conflict Research Unit of Netherlands Institute for International Relations, 2009.

structural injustices, such as reliance on customary law, in an inclusive manner.<sup>465</sup> Since women were absent during the negotiations the final CPA was largely gender-blind. USAID's Don Steinberg argues that a peace agreement which is 'gender neutral'/gender-blind is, by definition, discriminatory against women.

Although members of civil society and women's groups maintained that gender mainstreaming in both the implementation and monitoring mechanisms of the CPA were vital to ensure women's needs be met during the formative peacebuilding process, the CPA provided no guarantee for women's participation in its implementation<sup>466</sup> and lacked any clear gender targets and timelines, "limiting the effective utilization of women's experiences, expertise and perspectives in decision-making in the post conflict period".<sup>467</sup> The CPA also did not include any provision for monitoring progress on women's inclusion. The UN's Joint Assessment Mission (JAM) for the CPA did however make gender mainstreaming a priority in reconstruction. JAM worked with UNIFEM to conduct extensive consultations with Sudanese women to help create a gender sensitive framework for sustainable peace.<sup>468</sup>

Away from the stage of large-scale negotiations, there are many bold and courageous women who have quietly worked for peace and reconciliation at the grassroots level in their communities. In 1995, such efforts of one women's association leader, Elizabeth Nyawana Lam, gained public and political attention when she helped to quell violence between Bul and Leek Nuer in Western Upper Nile. Elizabeth Nyawana Lam, who had already gained a reputation for her "extraordinary courage"<sup>469</sup> by fighting with SPLA at the beginning of the war, ordered all Bul and Leek Nuer WAAF to return home immediately; without the protection of women to care for the wounded, the men withdrew. She again played a significant leadership role in a 1996 debate which radiated throughout local military units and the wider civilian population: Rebecca Nyanciew, head of the Bul Nuer women's union, supported an 'eye for an eye' in the killing of women and children in raids, while Elizabeth vehemently objected.<sup>470</sup> Elizabeth Nyawana Lam's position was eventually supported, and the Nuer men agreed that they would not kill Murle and Dinka women and children.

Community women's groups and the South Sudan Women's Association continue to work promoting women's role in peacebuilding and in reconciliation processes, despite limited access to resources. To help empower grassroots activists to affect policy change, Akinyi

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<sup>465</sup> Bennet et al., op. cit., 2010.

<sup>466</sup> International Crisis Group, op. cit., June 2006.

<sup>467</sup> Itto, op. cit., 2006.

<sup>468</sup> Itto, op. cit., 2006.

<sup>469</sup> Jok, op. cit., 1999.

<sup>470</sup> Ibid.

Walender facilitates a Caritas program “linking the grassroots women to the woman in leadership because that has been a very big problem. The [grassroots] women complain that while they’re very instrumental in helping their fellow women to come into positions of responsibility, once the women get there they literally forget them. They say they don’t even know how to talk to them.”<sup>471</sup>

## Engendering Politics

“We would like to be like women in other parts of the world who share in decision making...If we do not take a prominent role then our hopes will not be fulfilled.”<sup>472</sup>

Rural women are often not able to access political structures themselves because of language and literacy barriers. “When you speak to south Sudanese woman and especially those out in the villages they express themselves in their own language but if you get that translated they make a lot of sense; they know exactly what they would like to say. But as many of them will often tell you their biggest problem is lack of education. They cannot read or write.”<sup>473</sup> Although there is no education requirement for eligibility for membership in the National Legislature, there is a requirement that the candidate “be literate”.<sup>474</sup> Along with literacy constraints, women’s participation in politics is further restricted, severely, by entrenched patriarchal social structures.<sup>475</sup> “Women discussing politics in public are automatically referred to as prostitutes”, says Upper Nile Minister of Social Development Sarah Nyanath Elijah, and politics is viewed as “a dirty game women should be too refined to play”.<sup>476</sup>

Since the signing of the CPA in 2005, South Sudan has committed itself to ensuring women’s participation, including through a quota system, although women’s effective participation in decision making positions is still very low.<sup>477</sup>

The SPLA/M does not have a strong history of women in leadership—whether as fighters, negotiators, or members of the leadership council. Even President Kiir has noted that although women’s “role has been as effective as men in the field...our women have had minimal representation in the decision making of the SPLA as compared to men”.<sup>478</sup> In 2005

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<sup>471</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>472</sup> Mother Sadia Mangok, speaking at the Dinka Nuer West Bank Peace & Reconciliation Conference in Wunlit, March 1999, minutes accessed at <http://southsudanfriends.org/wunlit/index.html>.

<sup>473</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>474</sup> South Sudan Transitional Constitution of 2011 article 62.1 (d).

<sup>475</sup> South Sudan Ministry of Gender, Child and Social Welfare, *The Implementation of UNSCR 1325 in South Sudan*, ACCORD, 2012.

<sup>476</sup> Arabi, op. cit., 2011.

<sup>477</sup> See chapter on Women’s [Social Position](#).

<sup>478</sup> Weber, op. cit., 2011.

only 10% of the SPLA/M Leadership Council were women.<sup>479</sup> Encouragingly, Anne Itto reports that President Kiir refuses to view any list of appointees for state and GRSS positions that do not include women, and he has appointed women as chairpersons for the Human Rights Commission and the Anti-Corruption Commission, as well as two cabinet ministers, four Chairpersons of Parliamentary Committees and two presidential advisors. Despite the quota and promises of inclusion, however, government commitments to women's participation at the national levels have not been met.<sup>480</sup> In the first election in the South, held in April 2010, the South Sudanese Legislative Assembly reserved 42 out of 159 seats obtained by the SPLM as "Women's List" seats,<sup>481</sup> but although this resulted in 19% women in the Legislative Assembly,<sup>482</sup> only 9% were ministers,<sup>483</sup> and only one of the ten states was governed by a woman.<sup>484</sup> Quotas only go so far; attitudes, perceptions and actions taken by individuals and communities determine how women are defined in politics and how successful they can be.

Since South Sudanese women face enormous discrimination in legal, cultural, and traditional practices, Akinyi Walender reasons, "it's one thing to have affirmative action, it's quite another to in fact, to affect and enable those women to be effective."<sup>485</sup> Even if elected, Asha Arabi explains that many women lack the experience that could "enable them to quickly get to grips with how the systems work and what is required of them to effectively carry out their mandates."<sup>486</sup> However, while both men and women in South Sudan have faced significant barriers to formal education, women's skills are more often questioned, and lack of education is often cited as a reasonable restriction to fulfilling the quota.<sup>487</sup>

Furthermore, often men place women strategically in political positions and then control their engagement with decision making. "Those women who are in the offices...when it comes to getting their salary, there's a man coming to collect her salary, it is not her. So the man says, 'I will put you in this job, so you cannot talk.'"<sup>488</sup> Women in politics who are not having their husbands pull their strings are still often wary of speaking up for fear of losing their jobs:

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<sup>479</sup> Karamé, op. cit., 2005.

<sup>480</sup> International Crisis Group, op. cit., June 2006.

<sup>481</sup> Bennet et al., op. cit., 2010.

<sup>482</sup> Arabi, op. cit., 2011.

<sup>483</sup> Bennet et al., op. cit., 2010.

<sup>484</sup> Adelina Tito, Paramount Chief of Eastern Equatoria.

<sup>485</sup> Walender, interview with author, Juba, September 3, 2012.

<sup>486</sup> Arabi, op. cit., 2011.

<sup>487</sup> Anne Itto, *Guests at the Table? The Role of Women in Peace Processes*, A participant at a meeting organized by Pact Sudan, 2006; Karen Karamé, *Sudanese Women and the Peace Process: Priorities and Recommendations for Women's Inclusion and Empowerment*, Oslo Conference, Norwegian Institute of International Affairs, 13-15 January 2005; and UN Mission in South Sudan (UNMISS), 'Central Equatoria SPLA commanders learn about human rights', UN Report, 10 Nov 2011.

<sup>488</sup> Moro, interview with author, Juba, September 6, 2012.

“If you speak up as a woman now, speaking about women, men are the majority at the jobs, they are the ones who get these women jobs. You are seen to be very vocal, criticizing men, with no constitutional rights you can be removed, simply. And then go home and cook for your children. Then you will even lose...You will not speak any more. Yeah there are difficulties. You cannot blame women that they do not speak up. If you speak up, you can be removed.”<sup>489</sup>

Gender issues are perceived as largely alien and irrelevant by male SPLA/M members. In a recent UNMISS gender sensitivity training exercise, SPLA commanders expressed surprise that women could hold equal positions in employment and education and could enjoy equal opportunities.<sup>490</sup> Another training conducted by ICTJ in Juba highlighted how alien the concept of gender inclusion is within South Sudanese society; participants initially responded that “gender was a Western concept and that concern for it meant promoting the domination of women over men”.<sup>491</sup>

To help combat this perception, the GRSS created the Ministry of Gender, Child and Social Welfare (MoGCSW) at the birth of the nation in July 2011. . The Ministry is mandated to spearhead and support gender mainstreaming across government policies, programs and budgets, but has lacked human, technical and financial resources for this task. “In 2011 the proposed budget allocation to the Ministry as per the Minister of Finance 2011 January Budget speech, [was] 8.7m SDP (1.9 million USD). This continues to be one of the smallest ministerial budgets in Government of South Sudan.”<sup>492</sup>

According to the Gender Support and Development Project completion report released by the Ministry in 2012, although the Ministry’s Country Gender Assessment (CGA) did not achieve its primary objective of providing a focused strategy for the government of South Sudan to create a comprehensive policy for gender mainstreaming, it nevertheless, “is a successful first step,”<sup>493</sup> and the Ministry has just finalised a comprehensive (draft) NGP that was under legal review in early 2013. Unfortunately, traditional beliefs, gender bias, and lack of resources continue to negatively affect the success of the Ministry of Gender’s mandate,<sup>494</sup> and recommendations in the NGP may be slow to be actualised.

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<sup>489</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>490</sup> UN Mission in South Sudan (UNMISS), ‘Central Equatoria SPLA commanders learn about human rights’, UN Report, 10 Nov 2011.

<sup>491</sup> Ali, op. cit., 2011.

<sup>492</sup> Joint Donor Team, “Factsheet - Gender Equality”, Joint Donor Partnership to the Republic of South Sudan: Aid from Canada, Denmark, the Netherlands, Norway, Sweden, and the United Kingdom, September 2011.

<sup>493</sup> Andrés Pérez, Gender Support and Development Project Completion Report, South Sudan Ministry of Gender, Child and Social Welfare, 2012, pg. 4.

<sup>494</sup> Ibid., pg. 53.

Leben Nelson Moro reasons, “it is a good thing to see many women in the offices, but it is not a huge change for women...For the ordinary women it will take time, it will take education; I think [education] is very crucial.”<sup>495</sup> Peter Guzulu agrees,

“It will take time. First of all, we need to have a lot of women who are educated. That’s one. It’s not only women. Also at least half of the population in this country must get a good education for them to see that it is wrong naturally and it is wrong constitutionally. Women are human beings and they are part of our society. If you mistreat them, where do you think they will go and what part of the community are they? It is a natural thing.”<sup>496</sup>

## Engendering Reconciliation

Women have been marginalised from peacebuilding and from politics, and abductions and sexual violence that have taken place in Jonglei have not been adequately addressed as a result of the deep-seated gender imbalances in a historically patriarchal culture. The exclusion of sexual violence from peace processes, however, is not exclusive to South Sudan; sexual violence is rarely mentioned during the negotiations to resolve conflict. UNIFEM estimates that of 300 peace agreements from 45 conflicts since the end of the Cold War, only 10 peace processes even mentioned sexual violence, let alone address it as a critical conflict resolution item.<sup>497</sup> Women also have not been given a platform to actively participate in peacebuilding and reconciliation initiatives. As Friederike Bubenzer describes in *Hope, Pain and Patience: The Lives of Women in South Sudan*:

“The exclusion and marginalisation of women from these processes limits the extent to which they are able to voice their concerns and interests, and in turn excludes and alienates them from the nation and the state. Given the pivotal role that women play in South Sudanese society, this alienation and non-participation runs the risk of severely hampering the national healing and reconciliation project that is so vital to the building of a prosperous South Sudan. In other words, reconciliation is impossible when half of the population is not included in decision-making processes.”<sup>498</sup>

Deadly conflicts can be more effectively avoided, and peace can be best forged and sustained, when women become equal partners in all aspects of peace-building and conflict prevention, when their lives are protected, their experiences considered, and their voices heard.<sup>499</sup> Education is central to the reconstruction of society and is repeatedly asserted by women as

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<sup>495</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>496</sup> Guzulu, interview with author, Juba, September 7, 2012.

<sup>497</sup> UNIFEM gives a 10 point count on the highlights of women in war in light of the 10th anniversary of UN Security Council Resolution (UNSCR) 1325, cited in Ayiera, op. cit., 2010.

<sup>498</sup> Bubenzer & Stern, op. cit., 2011.

<sup>499</sup> United States National Action Plan on Women, Peace and Security, 2012, accessed at [http://www.whitehouse.gov/sites/default/files/email-files/US\\_National\\_Action\\_Plan\\_on\\_Women\\_Peace\\_and\\_Security.pdf](http://www.whitehouse.gov/sites/default/files/email-files/US_National_Action_Plan_on_Women_Peace_and_Security.pdf)

their priority in peacebuilding.<sup>500</sup> This was evident in the conversations with the women of the Bor Women's Association, who said (through a translator) "they are not able now to write. They are [willing to] go all the distance, they have adult education now, they go to adult education. The only this is that if there is anything about the education sector, to give them books, to give them opportunities, like [providing] teachers. Teachers are not enough now. So they are complaining about the education."<sup>501</sup> Once the members of the Jonglei community become educated, some of the long held practices will begin to be challenged and the position of women can begin to shift.<sup>502</sup> "Education can reconcile a community."<sup>503</sup>

While women in urban areas are beginning to make gains in South Sudan, women in rural areas still rarely talk about gender issues or are safely able to begin to question the entrenched patriarchal dynamics of society.<sup>504</sup> The evolution of women's roles as peacebuilders and as politicians will be impossible without a drastic shift in men's and women's attitudes regarding gender roles. To this end, Christine Chinkin and Hillary Charlsworth argue that that states are responsible to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women", as required by CEDAW.<sup>505</sup>

As women gain more social and political influence, they can play more active roles in peacebuilding and continued community development. Due to their gender-specific experiences during the conflict, women have "a deep knowledge of the needs and aspirations of the local civilian population," yet they have been, and still are marginalised within South Sudanese communities and in formal peacebuilding structures.<sup>506</sup> To redress this, more women should be represented fully in all the processes. Sociologist Raewyn Connell in her exploration of masculinities has refined the concept of hegemonic masculinity, defining it as "the configuration of gender practice" which legitimises patriarchy by "guarantee[ing] ... the dominant position of men and the subordination of women".<sup>507</sup> Through this lens, she proposes a solution to redress gender imbalances:

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<sup>500</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>501</sup> Member of Bor Women's Association, interview with author, Bor, 10 September 2012.

<sup>502</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>503</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>504</sup> Moro, interview with author, Juba, September 6, 2012.

<sup>505</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>506</sup> Kari Karamé, 2004 'Gender Mainstreaming the Peace-Building Process', Gender and Peacebuilding in Africa, in Kari Karamé (ed.), *Gender and Peacebuilding in Africa*, Norsk Utenrikspolitisk Institutt, 2004.

<sup>507</sup> Raewyn Connell, *Masculinities*, Second Edition, Berkeley, CA: University of California Press, 2005, pg. 77.

“If men presently run the governments, armies, and bureaucracies, the solution is more access, packing more and more women into the top levels of the state until balance is achieved”<sup>508</sup>.

South Sudanese women’s organisations have been focusing their efforts on increasing women’s participation in political processes, as well as promoting gender-sensitive legislation and policies. Women in conflict zones themselves have a clear idea about peacebuilding in their own context.<sup>509</sup> Members of the Bor Women’s association in Bor, Jonglei discussed what women could do to help end the raids and to bring peace to Jonglei. One woman explained the very big role women have as peacebuilders (through a translator):

“People will mobilize themselves to recall, to let them come, we unite, we get settled as one, because we are the same state, so we want to have just peace. We call upon the one who has taken the side to kill people, we call him for peace, not to fight with them. She is saying that we women, we have a very big size in this to make the peace around because our children are the ones killing themselves. So [peacebuilding] needs to be our duty as women. We unite as one, we mobilize ourselves, we make that peace come true because we don't want any killing to go on any more.”<sup>510</sup>

Another member described how women can educate their children and their husbands to live peacefully, and can unite the communities through inter-communal dialogues with other women (through a translator):

“She replied that she normally, she can start at home, they start at home with the family, including husband and children. You tell them about [peace], ‘you don't need to fight the other women's children like me. No need of fighting, we are just one.’”<sup>511</sup>

As Jonglei Representative at MoGCSW, Anne Lino Wuor Abyei agreed that peace education could start at home, saying “so I strongly feel that if the women know their rights and even if they know what is right and what is wrong, then they will educate their children. So its one of the things that we were telling them during the conference, that we women can be the greatest peacemakers, because we are the ones who form the babies, and we can even fill their minds, we can teach them, we can tell them.”<sup>512</sup> Abyei also discussed bringing women together, separate from men, to discuss peacebuilding and reconciliation, as, according to Geoffrey Duke, a roving peace dialogue or exchange program could provide the foundation of trust through exposure to different ethnicities and cultures.<sup>513</sup> Abyei suggested “we need to start also by organizing women’s clubs in different areas, and through those clubs then we could exchange [cassette] tapes. For example to bring a voice of a woman crying for her abducted

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<sup>508</sup> Raewyn Connell, ‘The state, gender, and sexual politics: Theory and appraisal’, in *Theory and Society*, Vol. 19, No. 5, 1990, pg. 512.

<sup>509</sup> Chinkin & Charlsworth, op. cit., 2006.

<sup>510</sup> Nyakan Makuei, interview with author, Bor, 10 September 2012.

<sup>511</sup> Member of Bor Women’s Association, interview with author, Bor, 10 September 2012.

<sup>512</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>513</sup> Duke, interview with author, Juba, September 7, 2012.

child. So when they hear it that will definitely touch them.”<sup>514</sup> The women at the Bor Women’s Association made a similar suggestion:

“The only thing that can let that [peace] come true is that we unite the women apart from men. Apart from men we unite, we work with the ladies of the other language. Likewise to the other ladies, you come together. You go from place to the other place, if there is facilities of transport; like now water is in the area, [so there is] no way of movement, so if there is any possible way that people can fly from the other place to the other place, we can make it possible. Even men see that these women are very united, what about, we [men] can also be united ourselves. The women of all these nations, they are all very tired of war. No one [would] like war to go any longer.”<sup>515</sup>

The women-to-women dialogue could be part of the government led peace process, and culminate in a Women’s only conference where women would feel comfortable speaking freely, says Abyei:

“The Women’s Association can do a lot of things, although they have meagre resources, but even they need to be meeting quite a lot and creating women’s clubs and bringing women together. But its my prayers and wish that after the evaluation, the peace evaluation, we should also start up an only women’s conference and then to work out how we can go about it. There was the chiefs going around after the Jonglei peace, the chiefs were going around to start to tell the communities [about peacebuilding]. I wish this time women to be going around, to start travelling around, from a county to another county. Let’s say the Nuer and Dinka women, and the Murle, those who have formed a group to work for peace, and all other women concerns, to be moving around, in all the counties and payams and bomas.”<sup>516</sup>

However, women’s voice will only be given value in South Sudan when men are also engaged. “An initiative targeting the women is very important. But how that participation can be guided and maximized is also greatly dependent on how you engage the men in the peace process. So if it can be something simultaneous, like the men are also discussing, the women also taken. That would be a better approach.”<sup>517</sup> Peter Guzulu supports this claim, arguing that all people: men, women, and youth; Dinka, Nuer, and Murle should come together to discuss the cycle of violence. He believes “the solution of the problem is when people convene and agree that it is wrong to do this. It is wrong to attack, it is wrong to kill, it is wrong to abduct, it is wrong to rape, it is wrong to do this.”<sup>518</sup> Both women and men can also choose not to accept raided cows into their home. Biel Boutros Biel recounted a story from one of his human rights trainings in Jonglei: “in Lou Nuer, there was only one man, whose son brought cows from Murle, and he asked him, ‘where did you bring this cow’, he said he brought it from Murle. He said, ‘if you are my son, take that cow back’. And he said that guy cried. And

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<sup>514</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>515</sup> Member of Bor Women’s Association, interview with author, Bor, 10 September 2012.

<sup>516</sup> Abyei, interview with author, Juba, September 6, 2012.

<sup>517</sup> Duke, interview with author, Juba, September 7, 2012.

<sup>518</sup> Guzulu, interview with author, Juba, September 7, 2012.

there was no way. He took the cows back to Murle.<sup>519</sup> Women also can take a stand against raided cattle:

“When your daughter is married, you know, those who keep cattle, they know each others’ cattle. And they know their colours, and they know all these kind of thing. Like now, even myself who’s not a cattle keeper, I would know the cattle from my area. But you know, you can recognise the Murle breed and the Dinka breed and the Nuer breed, from the size, from the horns, form the colours and so on. So we want to the ladies to make sure that, if their daughters are to be married with the raided cattle, then they should speak up, they say, ‘oh this cattle, it looks like a Murle cattle, it looks like a Dinka cattle. This could be one of the ways we can work it out.’”<sup>520</sup>

University of Cape Town

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<sup>519</sup> Biel, interview with author, Juba, September 6, 2012.

<sup>520</sup> Abye, interview with author, Juba, September 6, 2012.

## Chapter 7 | Conclusion

The conflict in Jonglei is driven by complex and interwoven motivations, each of which resonates across different social strata. Youth raid cattle for economic gain and for revenge, Khartoum funds raiders for political purposes—often revolving around access to oil, and the SPLA intervenes to disarm the warring factions, often doing so to the detriment of the very populations they are meant to protect. Women abducted by warring ethnic groups face years of sexual and gender based violence, with little to no legal recourse, due to both lack of capacity and to lack of will in a highly patriarchal society. The root causes of the Jonglei conflict have not been adequately addressed.

In March 2012, a Presidential Order was issued setting up an Investigation Committee on Jonglei State Crisis. Professor Deng Awur Wecnyin was named to head the seven-member committee, whose mandate is “to investigate the root causes of the violence; establish the extent of damage to lives and property; reveal those inside or outside South Sudan involved in ‘fanning and influencing the youths in order to cause atrocities’; investigate the sources of funding and supplies to the youth; and propose actions to prevent similar occurrences in the future.”<sup>521</sup> Although the Committee was tasked to present its report within three months of the issuing of the order, as of November 2013, no investigations had been carried out.

The National Committee for Healing, Peace and Reconciliation is working to renew traditional mechanisms of reconciliation through people-to-people conferences. According to Archbishop Deng:

“Formally our people have a way where the elders of a community used to come whenever there is a problem, and they sit down and discuss the issues, so that they can resolve the issues. [As a result of the discussions] they come to a conclusion, [and decide on the amount of reparations to be paid to the victim through a payment of “blood compensation” in cattle], and we call it ‘justice’. They feel that the justice has been done ... Then, when they are together, they have to kill a bull. And that bull will be shared by the whole community as a sign of a treaty that that thing should never happen again.”<sup>522</sup>

Although the youth involved in the most violent outbreak—the Nuer Youth White Army—has appealed for youth-to-youth dialogue outside South Sudan, this has not taken place, and instead peace and reconciliation processes have involved chiefs and older leaders whose authority does not resonate with the youth who are fighting. These peace processes have not been successful in that there has been no cessation in the cycle of violence. Rather, the

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<sup>521</sup> UNMISS, *op. cit.*, 2012, pg. 32.

<sup>522</sup> Archbishop Daniel Deng Bul, Chairperson of South Sudan’s National Committee for Healing, Peace and Reconciliation, interview with author, October 2013, available online at <http://www.youtube.com/watch?v=37nJJwUNjSc>.

violence has reached extreme levels, and women are used as pawns for revenge and retaliation.

While bringing people together for truth-telling and dialogue can begin to disarm their minds, this is difficult to do without adequate roads and infrastructure. Sadly, lack of development will continue to hinder peacebuilding activities in Jonglei with no infrastructure in place.

“As long as [there is] no development and no change of the issues touching their real life, nothing will change. As far as I know, it is just seen as talk of the people of the towns. So nothing will change. Services must be delivered to them. Let them see the reality of a hospital, let them engage in some tangible work. Even if you give them agricultural activities, the young men would be happy to do, they will get something, divert them from the issue of war. Because at the moment this is the real that I said before. They are doing this for survival. If you don't divert their attention from those things, they will always go back. Because going to Murle, getting 10 cows, you sell them, you are rich overnight. Coming to Nuer land, taking one child, you sell, you are rich overnight. It has become a business.”<sup>523</sup>

Says Aguti Adut, “What can bring peace to Jonglei is only roads. If you build roads, peace will just come by itself.”<sup>524</sup>

With or without roads, peace will be difficult to achieve without reconciliation; deep forms of social reconciliation and transformation are needed in South Sudan to redress social injustice as well as the traumatic events that transpired during the civil war. According to Archbishop Daniel Deng Bul, Chairperson of the National Committee for Healing, Peace, and Reconciliation, “Because of the war, [South Sudanese] lost their way... Long ago they loved each other ... and we want to bring that back to their life. What we are trying to do is present to them ... certain parts of the tradition, so we are trying to teach them how to revive their tradition, so that they can solve some of the problems.”<sup>525</sup>

For South Sudan to begin to heal from decades of civil war, people must begin to focus on points of mutual interest rather than disagreement. Through inclusive, open dialogue, people from different ethnic groups can begin building mutual trust, and recognizing their interdependence. They can begin to move from a divided past into a shared future.

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<sup>523</sup> Biel, interview with author, Juba, September 6, 2012.

<sup>524</sup> Adut, interview with author, Bor, September 10, 2012.

<sup>525</sup> Archbishop Daniel Deng Bul, Chairperson of South Sudan's National Committee for Healing, Peace and Reconciliation, interview with author, October 2013, available online at <http://www.youtube.com/watch?v=37nJJwUNjSc>.

## Appendix

*The author with women from the Bor Women's Association, Bor, Jonglei, South Sudan 2012.*



### Acronyms

BBC	British Broadcasting Company
CEDAW	UN Committee on the Elimination of Discrimination Against Women
CGA	Country Gender Assessment
CPA	Comprehensive Peace Agreement between Sudan and SPLA, 2005
CRS	Catholic Relief Services
DDR	Disarmament, Demobilisation, and Reintegration
GBV	Gender Based Violence
GoS	Government of Sudan, often referred to as “Khartoum”
GoSS	Government of Southern Sudan (2005-2011)
GRSS	Government of the Republic of South Sudan

HSBA	Human Security Baseline Assessment, Small Arms Survey
ICC	International Criminal Court
ICTJ	International Centre for Transitional Justice
IDP	Internally Displaced Person/Peoples
JAM	United Nations' Joint Assessment Mission
Khartoum	The Government of Sudan, which is based in Khartoum
LRA	Lord's Resistance Army
MoGCSW	Ministry of Gender, Child and Social Welfare
MSF	Médecins Sans Frontières (Doctors Without Borders)
NCHPR	National Committee for Healing, Peace and Reconciliation
NGP	National Gender Policy
NSCC	New Sudan Council of Churches
OAG	Other Armed Groups
RPG	Rocket-propelled Grenade Launcher
RSSDDRC	Republic of South Sudan Disarmament, Demobilisation, and Reintegration Committee
SAF	Sudan Armed Forces, the army of GoS
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement, the ruling party in South Sudan
SPLA/M	Sudanese People's Liberation Army/Movement
SSANSA	South Sudan Action Network on Small Arms
SSDF	South Sudan Defense Forces
SSIM/A	South Sudan Independence Movement/Army
SSPS	South Sudan Police Service
SuWEP	Sudanese Women Empowerment for Peace
USAID	United States Agency for International Development
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund (now United Nations Children's Fund)
UNIFEM	United Nations Development Fund for Women
UNMISS	United Nations Mission in South Sudan

UNMIS	United Nations Mission in Sudan
UNSCR	United Nations Security Council Resolution
WAAF	Women Associated with Armed Forces

## Interviewees

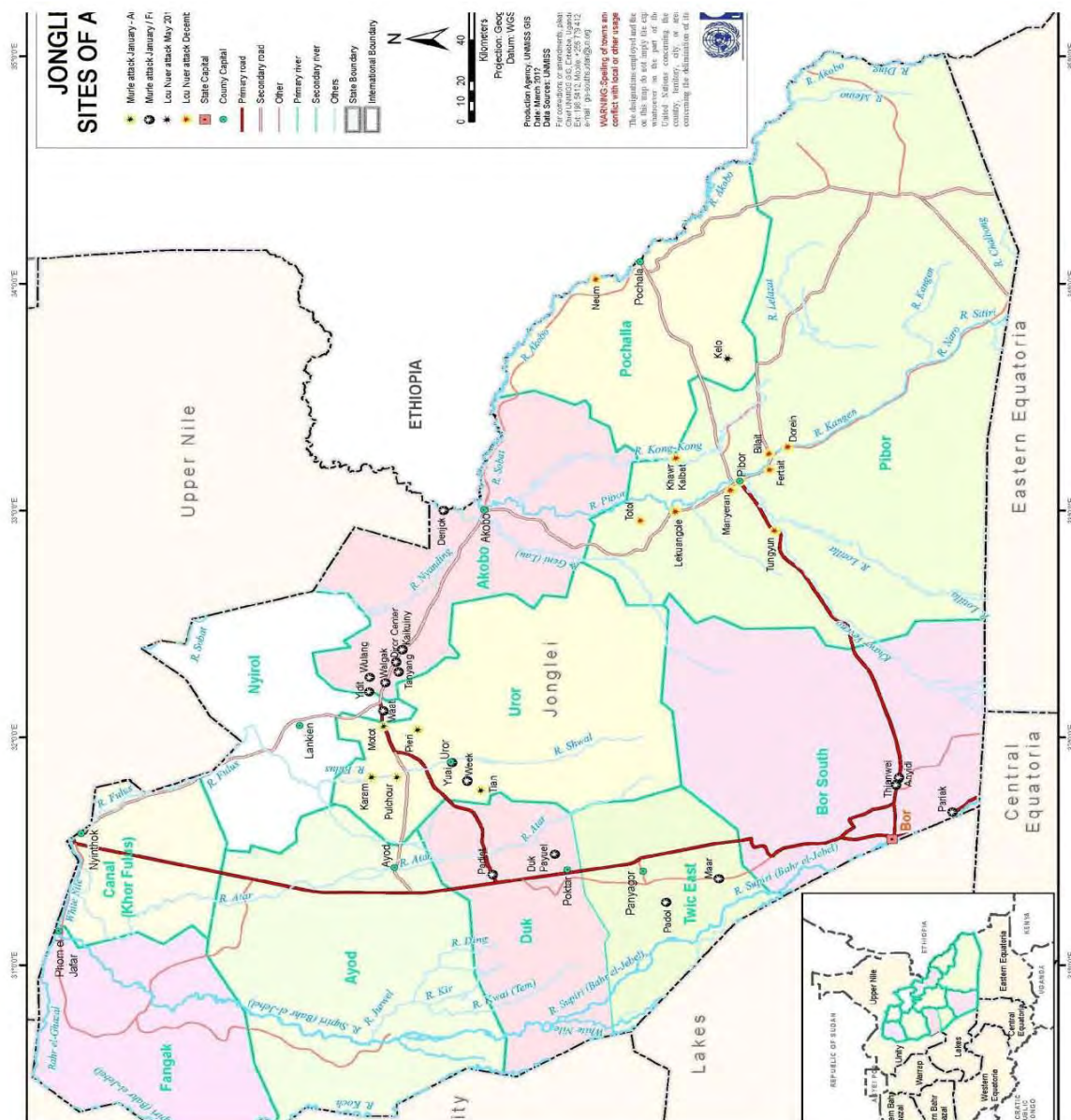
- Hon. Anne Lino Wuor Abyei, Gender and Child Committee, SMLM WL Representative, Jonglei State, and Session Leader at Jonglei Peace Conference, May 2012, Juba, September 6, 2012
- Aguti Adut, Jonglei State Director for Community Security and Small Arms Control, Bor, September 10, 2012
- Archbishop Daniel Deng Bul, Chairperson of South Sudan's National Committee for Healing, Peace and Reconciliation, interview with author, October 2013, available online at <http://www.youtube.com/watch?v=37nlJwUNjSc>.
- Biel Boutros Biel, Executive Director, South Sudan Human Rights Society for Advocacy, Juba, September 6, 2012
- Bishop Paride Taban, Deputy Chairperson of the South Sudan National Committee for Healing, Peace and Reconciliation, Juba, June 2013.
- Bor Women's Association members, Bor, September 10, 2012
- Lam Cosmas, Technical Advisor, Catholic Relief Services and Co-facilitator of Greater Fangok Peace Conference, 2012, Juba, September 4, 2012
- Rev. John Chol Daau, South Sudan Council of Churches, Co-facilitator of Jonglei Peace Conference, May 2012, Juba, September 4, 2012
- Geoffrey L. Duke, Programs Coordinator, South Sudan Action Network on Small Arms (SSANSA), Juba, September 7, 2012
- Nyakan Makuei, a Women Representative at the Jonglei Peace Conference, May 2012, Bor, September 10, 2012
- Peter Guzulu Maze, Murle leader, former Chairman of Human Rights Commission in Jonglei State and participant at Jonglei Peace Conference, May 2012, Juba, September 7, 2012
- Leben Nelson Moro, Director of External Relations at the Centre for Peace and Development Studies, University of Juba, Juba, September 6, 2012
- Akinyi Walender, Head of Mission South Sudan, Cordaid and participant at Wunlit Peace Conference, 1999, Juba, September 3, 2012
- Michael Malual Wuor, Jonglei State Director, RSSDDRC, Bor, September 10, 2012

Intercommunal attacks, 23 December 2011 to 4 February 2012

<b>Date</b>	<b>Perpetrators</b>	<b>Town(s), Village(s)</b>	<b>County</b>
23 December	Lou Nuer	Gumruk, Guno, Kongor, Maniadeng villages	Pibor
24 December	Lou Nuer	Konsolo, Wuno, Monchack villages	Pibor
25 December	Lou Nuer	Kiginya boma, Lanyerit and Manyiri villages, Tontol boma	Pibor
26 December	Lou Nuer	Othagon and Nyergeny bomas, Nyam and Nyol villages	Pibor
27 December	Lou Nuer	Dalmany village	Pibor
27 December	Lou Nuer	Likuangole	Pibor
30 December	Lou Nuer	Lilibok, Manythakar, Oden, Keleknya, Wunkok, Manyruen villages	Pibor
31 December	Lou Nuer	Pibor town	Pibor
31 December	Lou Nuer	Lanyaris village, Bei boma	Pibor
1 January	Lou Nuer	Fertait village	Pibor
1 January	Lou Nuer	Bilait village	Pibor
1 January	Lou Nuer	Ngapul, Manychang, Kelmanya, Durein, Karulunya villages	Pibor
1 January	Murle	Weival and additional five villages in Udit Payam	Akobo
1 January	Murle	Yian boma in Tian Payam	Uror
1 January	Murle	Waat Payam	Nyirrol
1 January	Murle	Bong boma	Akobo
2 January	Lou Nuer	Kalbat and Tungano villages	Pibor
2 January	Murle	Anyidi Payam	Bor
3 January	Murle	Walgak Payam	Akobo
5 January	Murle	Duk Payuel	Duk
5 January	Murle	Diror Payam	Akobo
5 January	Murle	Padoi boma	Akobo
6 January	Murle	Yuai Payam	Uror
6 January	Murle	Wonyok boma in Diror Payam	Akobo
8 January	Murle	Dengjok Payam	Akobo
8 January	Murle	Tangnyang	Akobo
9 January	Murle	Diror Payam	Akobo
10 January	Murle	Padoi boma	Akobo
11 January	Murle	Wek and Panyok villages in Yuai Payam	Uror
13 January	Murle	Wehdeng village	Nyirrol
14 January	Murle	Weidang village	Nyirrol
15 January	Murle	Between Akobo/Kaikwiny	Akobo
15 January	Murle	Wulang in Waat Payam	Nyirrol
16 January	Murle	Duk Padiet	Duk
18 January	Murle	Panyiang	Duk
25 January	Murle	Thienwei boma in Anyidi Payam	Bor
29 January	Murle	Maar in Pakuel Payam	Twic East
4 February	Murle	Thakian boma in Walgak Payam	Akobo
4 February	Murle	Mantiwiet boma in Waat Payam	Nyirrol
4 February	Murle	Pariak cattle camp	Bor

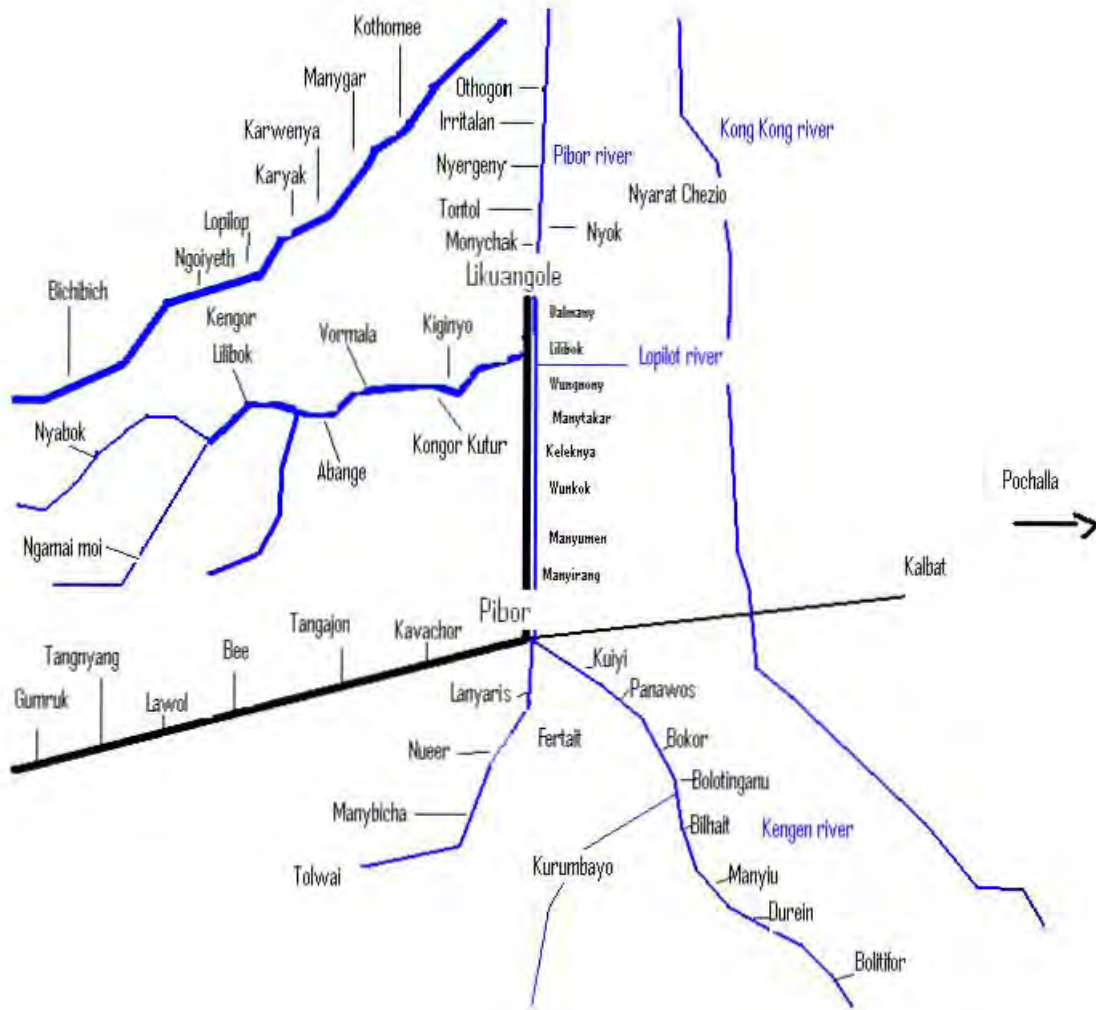
## Conflict Maps

Map: incidents of inter-communal violence in Jonglei, Jan. 2011—Feb. 2012<sup>526</sup>



<sup>526</sup> UNMISS, op. cit., 2012, pg. 10.

Map: Murle villages in Jonglei<sup>527</sup>



<sup>527</sup> Ibid., pg. 13.

## Wunlit Recommendations on Abductions

Girls who have been abducted but are not yet married.

- Resolution: to be repatriated to their parents or guardians as soon as they are identified.

Girls who have been Married in Captivity

- As soon as they are identified they should be asked by their parents if they want to remain with their husbands.
- If the woman declares that she wants to remain with her husband, than the bride price must be collected and presented to her natural parents.
- If she desires to return to her natural parents or guardians she is to be repatriated. The question that remains concerns her children.
- These children can be redeemed by their natural father according to Dinka traditions.
- Girls married to soldiers on either side presents another question. If the woman is identified with a soldier on the SPLA side, she should be sent to Commander Selva Kiir Mayardit so that the girl is able to state before her parents whether she wants to remain with her soldier-husband return to her family or not.
- If she wants to return to her parents, then she must go. The question that remains concerns the children she has given birth to.
- Whether she has a single child or several may be redeemed by the natural father (a soldier), according to the custom of the Dinka.
- The opposite is also true. If the father refuses to redeem the children, the mother is free to leave with them.
- If the girl is found in USDF governed territory, a letter must be written to Commander Riak Machar, and the same process holds true. (You may ask why we write to Selva Kiir rather than John Garang; and you write to rather than to Riak Machar. Some days ago you saw Selva Kiir at the opening f our meetings here as the man responsible for Bahr el Ghazal.

Married Women Abducted into Captivity

- As soon as a woman in this category is identified she should be repatriated to her home area with all her children born in captivity.
- The man who took the abducted woman as his wife in the alien land shall be fined for adultery in accordance with the custom in the area where the woman was discovered. (this practice, called akor, is a particularly serious violation, and must be seriously punished. The taking of women must be strongly discouraged. The practice corrupts and destroys our family structure).

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