'That thing of human rights': discourse, emergency assistance, and sexual violence in South Sudan's current civil war

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One of the most widely covered aspects of the current conflict in South Sudan has been the use sexual violence by rival factions of the Sudan People's Liberation Movement/Army (SPLM/A) and other armed groups. While this has had the positive effect of ensuring that sexual violence is an integral component of intervention strategies in the country, it has also had a number of unintended consequences. This paper demonstrates how the narrow focus on sexual violence as a 'weapon of war', and the broader emergency lens through which the plight of civilians, especially women, has been viewed, are overly simplistic, often neglecting the root causes of such violence. More specifically, it highlights how dominant discourses on sexual violence in South Sudan's conflict have disregarded the historically violent civil–military relations that have typified the SPLM/A's leadership, and the structural violence connected with the local political economy of bride wealth and the associated commodification of feminine identities and bodies.

Keywords: armed conflict, economic collapse, sexual violence, South Sudan, Sudan People's Liberation Movement/Army (SPLM/A)

Introduction

No longer is sexual violence dismissed as the inescapable by-product of armed conflict. Since the 1990s, feminist activists and academics have worked tirelessly to draw attention to the issue of sexual violence in war and to put conflict-related rape at the top of international policy agendas. Owing in large measure to their efforts, sexual violence is now criminalised under the Rome Statute of the International Criminal Court (ICC), which came into force on 1 July 2002 and has been responsible for prosecuting those responsible for rape and other related offences in conflict. The former Vice-President of the Democratic Republic of the Congo (DRC), Jean-Pierre Bemba, was convicted by the ICC as recently as 2016 for failing to prevent subordinates from engaging in illegal acts of sexual violence (Al Jazeera, 2016).

The United Nations (UN) has also generated a series of decisive Security Council resolutions calling on 'all parties to armed conflict to take special measures to protect women and girls from gender-based violence' (UNSC, 2000, p. 3). The world body

recognises that 'sexual violence, when used . . . as a tactic of war . . . can significantly exacerbate situations of armed conflict and . . . impede . . . international peace and security' (UNSC, 2008, p. 2).

Despite this progress, however, girls and women, as well as boys and men, continue to be subjected to rape and other related offences in conflict-affected settings around the globe. Nowhere is this more apparent than in South Sudan, where the ongoing internal armed conflict has involved sexual violence on a massive scale. The former UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Zanaib Bangura, even went as far as to say that what she 'witnessed . . . is the worst I have seen in my almost 30 years in dealing with this issue' (United Nations, 2014).

Countless human rights organisations, media outlets, and UN agencies have described the use of sexual violence in South Sudan as a 'weapon of war' and a 'terror tactic' utilised by the national armed forces, the Sudan People's Liberation Movement/Army (SPLM/A), the primary opposition forces, the Sudan People's Liberation Movement/Army-in-*Opposition* (SPLM/A–IO), and the numerous other armed groups active in the current war. While this has had the positive effect of ensuring that sexual violence is an integral component of intervention strategies in the country, such initiatives have resulted in a number of unintended consequences.

This paper highlights how the narrow focus on sexual violence as a 'weapon of war' in South Sudan, as well as the broader emergency lens through which the plight of South Sudanese civilians has been viewed since the outbreak of ongoing armed conflict in December 2013, neglect some of the more important root causes of sexual violence, including the historically hostile civil–military relations between the SPLM/A and South Sudanese civilians, and the structural violence connected to the local political economy of bride wealth and the associated commodification of feminine identities and bodies. The use of female bodies as a reward for the hardships endured by male soldiers in South Sudan is not new, nor is the view of South Sudanese women as warranted spoils of war. In fact, violations of girls and women justified on the basis of compensating combatants also characterised the last conflict between 1983 and 2005. This extension of feminine identities and bodies as a form of remuneration for participating in ongoing conflict has only continued with the present war, with abduction, rape, and sexual slavery becoming an increasingly acceptable form of material compensation to soldiers in the face of a collapsing economy.

The paper shows that such violence cannot be abstracted from the local political economy in South Sudan, particularly the ways in which patrilocal, bride wealth–based marriages and customs work to commodify girls and women. By ignoring these factors, overly simplistic and reductionist discourses on sexual violence as a 'weapon of war' in South Sudan's conflict and the policies that they have inspired have failed to address fully the underlying militarisation and patriarchal attitudes that see girls and women as commodities and drive sexual violence, sideling and potentially exacerbating 'everyday' sexualised and gendered violence and producing a potential backlash against women's rights (see, Leonardi et al., 2010).

The evidence employed here is based, in part, on data collected by Justice Africa, a United Kingdom-based human rights organisation, and its local partners in civil society, the South Sudan Women Lawyers Association (SSWLA) and the Community Empowerment for Progress Organization (CEPO), in 2015. The information was gathered as part of an assessment of community and judicial responses to sexual and gender-based violence across three field sites in South Sudan: Akobo, Juba, and Mingkaman.[1] The study is based on questionnaire-guided interviews and focus group discussions (FGDs) with a large sample of participants.[2] It concentrates primarily on documenting people's experiences of sexualised and gendered forms of violence from a qualitative standpoint to shed light on local understandings and perceptions, while at the same time moving beyond the view of sexual violence as purely a 'numbers issue', which, as highlighted elsewhere, often fails to capture the true nature of sexual abuse and its ramifications for individuals, families, and communities (Global Protection Cluster: GBV Prevention and Response, 2014; Justice Africa, 2016).[3] The paper also draws on our experiences of sexual violence-related and other programming dealing with insecurity and violence in the context of an ongoing civil war and our close work with civil society in South Sudan.

The next section provides an overview of the literature on sexual violence in armed conflict and its relationship with developments in the realm of global policy since the 1990s. This is followed by a social history of sexual violence in South Sudan's past conflict, and an attempt to trace the root causes of conflict-related sexual violence and to assess the impact that ignoring them has had on the country. The paper concludes with a short discussion of the implications of the analysis presented here for policies to combat sexual violence in South Sudan.

Sexual violence beyond strategy

The shift away from viewing sexual violence in armed conflict as the inevitable, albeit horrific, consequence of armed conflict can be largely attributed to its targeted use against civilians in the Bosnian and Rwandan genocides of the 1990s. The documentation on these events led to acknowledgement that rape and other related offences were a weapon, or instrument employed in pursuit of some strategic military or political objective (Chun and Skjelsbæk, 2010). This also marked the 'first time rape in war became a serious topic for journalist, politicians, lawyers and scholars' (Kennedy-Pipe and Stanley, 2000, p. 67), which 'elevated mass rape "from an unmentionable to a serious foreign policy issue"' (cited in Anderson, 2010, p. 246).

The feminist literature on sexual violence in armed conflict that emerged in this period echoed the arguments being made by women's rights activists in policy circles at the time and highlighted the use of sexual violence as a 'weapon of war', or a strategy for intimidating and degrading enemy populations. While such an understanding was critical in debunking the belief that sexual violence is the inescapable by-product of conflict, this 'conceptualisation', as Baaz and Stern (2010, pp. 56–57) point out, obscures 'other factors contributing to conflict and post-conflict sexual violence'.

Many scholars have shown that sexual violence in armed conflict extends well beyond its strategic manifestation as a 'weapon of war' (see, for example, Wood, 2009, 2014). In her comparative analysis of Guatemala and Peru, for instance, Leiby (2009) shows that, while sexual violence served as a 'terror tactic' used against enemy populations, such an understanding was too simplistic to explain the full variation in patterns of sexual violence in wars in these two countries. Baaz and Stern (2008, 2009, 2010) likewise maintain that sexual violence in the DRC was not only the product of purposeful and strategic targeting of girls and women, but also it was the consequence of the inability of male soldiers to live up to the masculine ideals inculcated in society and the armed forces. Indeed, as Meger (2016, p. 150) notes, debates on the use of sexual violence as a weapon of war 'lose the nuance gained from examining the contextually-specific and culturally-determined bases of sexual violence perpetrated in the context of war'. As Cockburn (2004, p. 43) articulated more than 10 years ago: 'gender links violence at different points on a scale reaching from . . . battering and marital rape, confinement, "dowry" burnings, honor killings, and genital mutilation in peacetime . . . [to] military rape, sequestration, prostitution, and sexualized torture in war'.

Unfortunately, such insights have rarely been integrated into policies to respond to and prevent sexual violence in conflict-affected settings. This may be due in part to the failure of academics and researchers to translate their findings into a policy context. Yet, the production and reproduction of dominant discourses on sexual violence in war, particularly the use of rape and other related offences as a 'weapon of war', has not been without consequences in conflict-affected settings (Douma and Hilhorst, 2012; Heaton, 2014; Meger, 2016; Mertens and Pardy, 2016).

In many ways, the past two decades have witnessed the gradual 'de-gendering' of discourses on sexual violence in conflict, which have become increasingly abstracted from the everyday patriarchal norms that make such actions possible in the first place (see, Meger, 2016). Gender is so taken for granted now in understandings of conflict-related sexual violence that it is absent from interpretation and initiatives to address the issue. Meger (2016) refers to this process as the 'securitisation' and subsequent 'fetishisation' of sexual violence, where the root causes of wartime rape and other related offences go unrecognised. This is akin to what Mertens and Pardy (2016) call 'sexurity', or the colonisation of discourses on wartime sexual violence and the production of the worlds of 'us' and 'them', where the international community becomes the agent and voice of sexual violence in conflict and conflict-affected populations are the subjects. In the same way that the 'securitisation' and 'fetishisation' of sexual violence in conflict have marginalised the root causes of acts such as rape (Meger, 2016), 'sexurity' has been responsible for the disenfranchisement of 'local knowledge and desires' in war-torn areas (Mertens and Pardy, 2016, p. 9).

To draw attention to conflicts and humanitarian crises, the media and other international actors tend to flag the most devastating aspects of a given war, focusing on 'one story and one type of victim' (Heaton, 2014, p. 625). Ever since the 1990s, but particularly over the past few years, conflict-related sexual violence against girls and

women by armed actors has become the most 'graphic and revolting' narrative that humanitarians and journalists have available to them, and the 'extra violent element makes it sellable' (cited in Heaton, 2014, p. 631). As underlined above, this ignores the fact that sexual violence is common in peacetime (Baaz and Stern, 2010), while at the same time disregarding the socio-cultural context within which wartime rape is embedded (Douma and Hilhorst, 2012). Furthermore, as demonstrated by population-based surveys in conflict-affected environments, many victims report that perpetrators are intimate partners, or non-combatants (cited in Cohen, Green, and Wood, 2013). In this way, concentrating exclusively on conflict-related sexual violence, or rape and other related offences by combatants against non-combatant populations, leads to the construction of what Meger (2016, p. 150) refers to as the 'de facto hierarchy of atrocity', where sexual violence by armed actors is 'inherently worse than "everyday" rape and civilian-perpetrated sexual violence'.

The effects are not just discursive in nature. The priority afforded to sexual violence as a 'weapon of war' used against girls and women by armed actors has also led to the production of a 'political economy' of programming designed to address wartime sexual violence (Meger, 2016), and what Baaz and Stern (2010, p. 51) term the 'commercialisation of rape'. That is, girls and women without access to non-governmental organisation (NGO) services, which frequently are reserved only for conflict-related sexual violence survivors, present themselves as victims in order to obtain things such as medical care (Baaz and Stern, 2010, pp. 51–53).

The DRC is probably one of the most dramatic examples of this negative dynamic, given the sheer amount of attention that wartime rape and other related offences have received there, establishing what Heaton (2014, p. 626) calls 'perverse incentive structures' where aid organisations realise that they are more likely to be funded if they adapt their programmes to tackle sexual violence, while people in need of assistance in an environment characterised by infrastructural and state collapse adapt their stories to such a discourse. As a result, some organisations generate sexual violence prevention and response programmes without having the expertise, or the capacity to do so (Merters and Pardy, 2016), meaning that little is actually being done for the beneficiary populations despite international outrage over sexual violence. The outcome is that sexual violence becomes a business based on a 'not-for-profit' model, susceptible to misuse by both NGOs and sexual violence survivors themselves (Douma and Hilhorst, 2012).

Side-lining 'local knowledge and desires' also disregards what conflict-affected populations need and want (Mertens and Pardy, 2016, p. 9). In the DRC, for example, it was more important to some survivors to provide education and food for their family than it was to demand justice for wrongdoing (Mertens and Pardy, 2016). Yet, as Mertens and Pardy (2016, p. 8) remark, because the focus (especially after the Global Summit to End Sexual Violence in Conflict in London, UK, on 10–13 June 2014) was on 'shattering the culture of impunity', most programmes emphasised aspects such as access to justice.[4]

As is well known, the concentration on 'one story and one type of victim' (Heaton, 2014, p. 625) also ignores the sexual and gender-based victimisation of boys and men

in conflict-affected environments (Carpenter, 2006, 2016). Armed conflict in general, but particularly in an African setting, has been viewed through a lens whereby men are the primary perpetrators of sexual violence and women are the chief victims (see, Marks, 2014). As Baaz and Stern (2008, p. 59) demonstrate, '[i]mages of the barbaric African (masculine) Other, who is unleashed by the conditions of war to act according to his "true" nature, shift focus away from the . . . political and economic context of the conflicts . . . [and] invoke harmful categorizations'.

Once again, the effects are not only discursive in nature, discriminating against male populations through the violence of language and discourse, but also downplay the vulnerabilities of male populations. The exclusion of boys and men from the way in which sexual violence in armed conflict is conceptualised and operationalised also means that the very concrete linkages between men and women's vulnerabilities in conflict-affected settings are not recognised (see, Carpenter, 2016). More importantly for the purposes of this paper, the marginalisation of boys and men, and the related neglect of the cultural, economic, and social context in which sexual violence is rooted (see Douma and Hilhorst, 2012), can also lead to a backlash against women's rights (see Leonardi et al., 2010), exacerbating 'everyday' violence against female populations.

By ignoring the realities of a patrilineal society where bride wealth has assumed great importance when it comes to the economic prospects of families in South Sudan (Leonardi et al., 2010), international efforts to empower girls and women and to protect them from sexual violence have encountered significant challenges.

Civil–military relations, emergency assistance, and state-building in South Sudan

To follow the development of discourses on sexual violence in South Sudan, it is critical to begin with an appreciation of the linkages between 'everyday' structural violence and civil–military relations. While South Sudan has been marred by conflict since Sudan's independence from Great Britain in 1956, the second civil war (1983–2005) between the SPLM/A in the south and the national government in Khartoum in the north witnessed a significant deterioration in civil–military relations in the south as the SPLM/A started to act predatorily towards southern populations to sustain the liberation movement. Although not well documented, abduction, forced marriage, rape, and survival prostitution by SPLM/A combatants were all said to be widespread, with rape serving 'as part of a broad, retaliatory policy against communities' (HSBA, 2012, p. 2).

The use of sexual violence was apparently a deliberate tactic of the SPLM/A to entice, or rather coerce, southerners into joining the movement, since people felt that they could protect their families and communities better from 'inside' the SPLM/A (Justice Africa, 2016). Rarely was this possible, however, as most new recruits were transferred to other areas (Justice Africa, 2016). While it was taboo to speak about

sexual abuses by the SPLM/A, it is said that the 'lack of discipline within the rebel force in the early years of the war meant that marauding soldiers, operating as individuals or in small groups, often viciously attacked women' (HSBA, 2012, p. 2).

The dissolution of southern unity and the split in the SPLM/A in 1991 only made matters worse. The eruption of internal violence between rival factions of the SPLM/A led to the almost complete collapse of traditional rules of warfare between rival ethnic groups in South Sudan (Jok and Hutchinson, 1999). Women, children, and the elderly, once protected from violence by customary rules of warfare, now became the targets of it (Deng, 2013). Not surprisingly, there emerged during this period what Hutchinson (2000, p. 11) describes as an 'ideology of hyper-masculinity', which 'justified the use of female bodies as a reward for men's hardships at the front' (Oosterom, 2014, p. 20).

That said, women were not just passive victims of armed violence (Jok, 2006; Small Arms Survey, 2008; HSBA, 2012; Oosterom, 2014; Pinaud, 2014). There are many recorded instances of women trying to reverse the loss of control of their bodies, such as by threatening to withhold the production of children (Small Arms Survey, 2008) and by denying their husbands sex (HSBA, 2012). Not to obscure the work of grassroots activists and South Sudanese women's groups operating from within the diaspora between 1983 and 2005, the women's movement in South Sudan expanded considerably after the second civil war ended, particularly in the administrative capital, Juba, where they tried to address the issue of women's participation in the peace process and subsequent state-building and democratisation procedures.

While the achievements made towards greater gender parity in high-level political processes in South Sudan, especially after South Sudan's independence on 9 July 2011, are praiseworthy, women's rights activists and civil society organisations (CSOs) in Juba have been critiqued for their lack of connection to the grassroots (Kircher, 2013), advocating for changes that would bring very little benefit to the average South Sudanese girl and woman for whom the new 'state' had very little relevance. In fact, civil society in South Sudan in general was identified as having a 'lack of shared vision and mission, and an overly donor-focused orientation' (Fenton et al., 2012, p. 10).

Yet, similar to the sorts of 'perverse incentive structures' that emerged in relation to sexual violence in the DRC (Heaton, 2014, p. 626), the international community in South Sudan arguably has engendered the conditions that created and perpetuated a reliance on donor funding and external agendas in the nascent state. Funding frequently covered only activity costs rather than operational costs, which would have contributed to the survival of local institutions. Select national organisations were awash with money for projects that often they did not have the capacity, or the sector-specific expertise, to implement. Despite the brief shift away from emergency assistance that accompanied independence in 2011, project cycles remained exceedingly short. Coupled with a lack of operational cost funding, this led to a situation where local organisations would execute projects alongside a large donor but would collapse as soon as the initiative came to an end (Fenton et al., 2012).

What is more, rather than addressing the structural conditions that continued to keep South Sudanese girls and women in a subordinate position, such as the commodification of females through bride wealth and the 'dowry economy' (Sommers and Schwartz, 2011), many projects in the post-independence period emphasised their participation in the new national government. Sexual violence, while integrated into many donor programmes, was not an explicit and independent agenda of civil society itself until April 2013. This changed when South Sudanese female lawyers and the Women's Parliamentary Caucus in Juba protested the continued impunity of perpetrators of sexual violence, seeking to highlight the linkages between the national armed forces, the SPLM/A, continued insecurity, and the lack of accountability for rape and other related offences in Juba. Even though the protests were driven by an educated elite at the national level, women's rights activists contextualised the issue, referencing 'everyday' forms of sexualised and gendered violence, including the commodification of feminine identities and bodies through bride wealth, as well as the lack of culpability for sexual violence among armed actors that historically had marred civil–military relations in the SPLM/A and the south more broadly.

When the third (ongoing) civil war erupted in South Sudan on 15 December 2013, civilians were subjected to widespread human rights abuses by government troops under the SPLM/A and opposition soldiers under the SPLM/A-IO, as well as by the numerous other allied forces, militias, and other armed groups that later would become embroiled in the conflict. In keeping with broader global trends discussed in the previous section, sexual violence arguably became one of the most widely covered of the appalling and prolific human rights abuses unfolding in South Sudan's war. From the initial months of fighting onwards, human rights organisations and UN agencies have rightfully been spotlighting the massive amount of sexual violence in the country committed by armed actors (Amnesty International, 2014, 2016a, 2016b; Human Rights Watch, 2014; UNMISS, 2014, 2015a, 2015b; OHCHR, 2016).

However, many aid-related advocacy materials, media articles, and human rights reports have underlined primarily the familiar trope of the use of sexual violence as a 'weapon of war' by rival factions of the SPLM/A, with sexual violence becoming in many ways emblematic of the humanitarian tragedy that is South Sudan's civil war. As referenced in the introduction, the widespread nature of sexual violence in the current war led Zanaib Bangura to declare that it was the 'worst' she had seen in almost 30 years of professional life (United Nations, 2014). During her visit to the country in October 2014, she presented a joint communiqué to be signed by the Government of South Sudan and the UN, requiring the former to take concrete steps to combat rape and other related offences, including enhancing the legal framework and accountability more broadly. A joint implementation matrix was then drafted, involving the government, state security forces, and civil society. The communiqué, though, effectively pushed all signatories to commit to a sole focus on conflict-related sexual violence, which for the most part had been conceptualised under the rubric of a 'weapon of war'. As the South Sudanese female lawyers and the Women's Parliamentary Caucus in Juba noted in 2013, there is also a need to pay attention to

'everyday' forms of sexualised and gendered violence, including the commodification of feminine identities and bodies through bride wealth. In many ways this has enabled the SPLM/A and other warring parties in South Sudan to justify historically the use of female bodies as a 'reward'.

Unfortunately, with the return to short-term emergency assistance in 2013, there has been little interest in, or funding to support, longer-term 'incremental processes' aimed at addressing the root causes of sexual violence in the country. This is even though civil society itself acknowledges that short-term prevention programmes, if not responsive to the cultural, economic, and social context in which sexual violence in South Sudan's conflict is embedded, can contribute to resistance among beneficiary populations that have become increasingly hostile to foreign interference.

This has been complicated further by the increasing suppression of freedom of expression in the country, especially since the signing of the Agreement on the Resolution of the Conflict in the Republic of South Sudan on 17 August 2015. This crackdown successfully silenced many civil society voices, meaning that local actors frequently now need to rely on international proxies to underline atrocities happening in the country. This has led, particularly in the case of international journalism, to reporting on sexual violence in a way that often sensationalises the violence committed against civilians, portraying them, especially women, as passive victims of rape and other related 'weapon of war' offences.

This reliance on simplistic and reductionist discourses is also evident in the reasons given for the escalating conflict, notably the ethnic rivalries between Dinka politician and South Sudanese President Salva Kiir and Nuer politician, former vice-president, and opposition leader Riek Machar. Crucially, such a reliance replicates the 'with us, or against us' narrative, or the 'government–rebel' dichotomy (Kindersley and Rolandsen, 2016, p. 7). Yet, as highlighted elsewhere, such a separation is incredibly misleading since both the SPLM/A and SPLM/A-IO are 'characterized by factionalism' with 'command over factions . . . led primarily by local commanders, with recruitment, supplies and support mobilized on local terms' (Kindersley and Rolandsen, 2016, p. 7). When it comes to sexual violence, this regularly leads to a focus on the tit-for-tat and largely strategic use of sexual violence by the two parties, negating the sizable number of other armed groups involved in South Sudan's conflict and more localised patterns and justifications for wartime rape and other related offences.

The local political economy and the root causes of sexual violence

Evidence suggests that sexual violence has been used strategically as a weapon of war in South Sudan's current conflict, with armed groups accused of 'singling . . . [people] out on the basis of their ethnicity' (Human Rights Watch, 2014, p. 74). This paper seeks to point up principally that, much like in other conflict-affected settings, sexual violence in South Sudan is not just a 'terror tactic' of combatants with

predominantly female victims (Baaz and Stern, 2008, 2009, 2010; Wood, 2008, 2009, 2014; Leiby, 2009; Cohen, 2013; Cohen, Green, and Wood, 2013). In fact, wartime sexual violence has been shockingly widespread in South Sudan, with incidences of rape becoming so commonplace that often they were portrayed to the researchers carrying out the Justice Africa, the SSWLA, and CEPO assessment as a 'minor issue', especially when compared to the other wartime atrocities to which many civilians have born witness (Justice Africa, 2016).

As emphasised elsewhere, however, sexual violence can become prevalent without being used exclusively as a 'weapon of war' and mediated military strategy (Cohen, Green, and Wood, 2013; Wood, 2014; Wood and Cohen, 2015). Against the backdrop of a collapsing economy, government soldiers' under the SPLM/A and its allied militias have widened the licence to loot and pillage. Combatants are reportedly paid in 'what they loot and the women they abduct' (McNeish, 2015), demonstrating the continued extension of women bodies as a form of payment, or compensation for the hardships of soldiers experienced on the frontlines of the current conflict (Oosterom, 2014).

During interviews conducted by Justice Africa, the SSWLA, and CEPO in 2015, for instance, male respondents frequently equated the pillaging of civilian property with the abduction of women. As one FGD participant noted: 'looting of property, of women, had happened in the place where we come from' (FGD, IDP men, Akobo County, 31 July 2015). It was reported that in the course of successive offensives and counter-offensives in the country between 2014 and 2015, armed actors considered girls and women to be 'war bounty, property of the attacking fighters to be taken' like any other form of loot (Amnesty International, 2016a, p. 5). The Office of the United Nations High Commissioner for Human Rights (OHCHR, 2016, p. 49) similarly observed that it was clear that, 'during SPLM/A attacks, women and girls were considered a commodity and were taken along with civilian property as the soldiers moved through villages'.

Throughout the research it became clear that many participants perceived acts of gendered and sexualised violence on the battlefield not as a 'weapon', but rather as a function, satisfying the sexual appetite of male combatants (Justice Africa, 2016; see also Huser, 2014). A large proportion of respondents interviewed, including members of the Nuer White Army, believed that rape by armed groups was due to being without their wives for long periods of time. As one member of the White Army commented: 'soldiers are separated from [their] families for so long . . . so when fighting is happening they see a woman they feel like they can have sex with . . . they do whatever they like . . . you see her face is good so therefore you want it' (FGD, White Army, Akobo County, 1 August 2015; cited in Justice Africa, 2016, p. 30).

As stated in the introduction, the brutality of such violence cannot be abstracted from the cultural, economic, and social context of South Sudan and the structural violence and commodification experienced by women in the 'everyday'. As one Nuer woman displaced in Juba underscored: 'before the crisis women have a lot of problems, cultural problems which is provoking women not to be free . . . the husband is the master, we don't have education . . . when you come for marriage, you have no say,

men is the decision-maker . . . these cultural norms have pressed down women before the war' (FGD, women, POC 1-Juba, 9 July 2015; cited in Justice Africa, 2016, p. 31).

It became clear during the interviews held by Justice Africa, the SSWLA, and CEPO that the economic downturns connected to the current war have boosted an already dowry-dependent local economy in which parents view their daughters as their only source of wealth (Sommers and Schwartz, 2011; Justice Africa, 2016). As one member of a youth militia remarked: '[m]ostly it [conflict] has increased things like forced marriage because people run out of resources' (FGD, White Army, Akobo County, 1 August 2015).

As has been documented widely since independence in 2011, economic reliance on a dowry and the commodification of women often leave youths, especially females, with limited control and power over their productive and reproductive labour (Jok, 1999; Sommers and Schwartz, 2011; Oosterom, 2014). As one woman put it: '[w]e are all afraid, because it is not good . . . this one is happening, even in this place now, it is common . . . when the family they decide to give a girl when someone comes with wealth so they can take the dowry, (FGD, FM adolescents, Mingkaman, 7 July 2015). Another female likewise said: 'this issue of early or forced marriage because of cattle, and that person with lots of cattle comes to parents and say that I want your daughter and they will not have another choice no matter what the age because family depends on the cattle' (FGD, FM adolescents, Mingkaman, 7 July 2015).

The view that was echoed across all three field sites was one of daughters as 'bank accounts', with one cattle-keeper from Mingkaman's host community declaring that '[t]he source of wealth here in Dinka culture is the girl . . . so we don't want girls to be harassed or abused sexually . . . should it happen people will fight . . . it's like having a bank and a thief comes and steals everything' (FGD, host community men, Mingkaman, 6 July 2015).

These practices accentuate and often violently reinforce gender roles to the detriment of women and girl's agency, and, in particular, ownership of their bodies. The economic value imbued in marriage also effects perceptions of sexual violence in communities, with domestic and intimate partner violence frequently becoming more of 'an exercise of prerogative rather than an offense' (SIHA Network, 2012, p. 18). This has augmented the socio-cultural permissibility of violence against women in the 'everyday'. As one female respondent living in one of the United Nations Mission in South Sudan (UNMISS) bases or protection of civilians (POC) sites in Juba stressed: '[t]he most violence for sure is beating wife at home, this is part of culture, we cannot deny or come up with reason why such a lady is being beaten—these are the normal things that happen in the houses' (FGD, women, POC 1-Juba, 9 June 2015). A male participant displaced from Malakal, Upper Nile State, to Akobo, Jonglei State, added: '[c]ulturally if you want to marry a woman you pay a lot of cows to [the] parent[s] and when you finish the parents give and it is your own property that you purchased' (FDG, IDP men, Akobo County, 31 July 2015).

This perception of girls and women as commodities exchanged in marriage also informs how incidences of rape and other related offences are treated at the familial

and communal level. Sexual assault against girls is intrinsically linked to bride wealth and the reduction in, or complete loss of, dowry when a young girl (property) is 'spoiled'. As one customary chief proclaimed: 'daughters are the source of wealth for every person, should someone spoil your daughter it is as if someone stole your money . . . our daughters are our bank account. . . . If someone spoils my daughter then they will refuse to marry her and that it is why it is so serious' (FGD, chiefs, Minkgaman, 7 July 2015). Hence, a mature woman who is raped may be deemed unworthy of compensation or the pursuit of justice, whereas the rape of an unmarried young woman is considered to be a greater crime 'as a direct result of her diminished bride wealth' (SIHA Network, 2012, p. 45; see also Justice Africa, 2016).

Customary courts will concentrate, therefore, on demands for social reparation as opposed to justice for the individual, since the decrease in a girl's potential bride wealth, and thus the family's prospects for economic survival, would otherwise trigger community-wide revenge through violent retribution. In fact, one of the reasons for non-reporting among women was actually the stymieing of cycles of violence: '[i]f I say it people will fight and it is better I keep quiet for it' (FGD, FM youth, Akobo County, 30 July 2015).

Not surprisingly, cases involving sex between minors typically fail to probe whether or not sexual acts were consensual (JSRP, 2015–16). Instead, the court will usually just move straight to marriage arrangements (between the perpetrator and the victim), or compensation depending on the opinions of the parents and the relatives of those involved. Such cases predominantly end in rulings whereby the girl is married to the accused, or with the implicated male paying 'damages' to the family of the girl or woman in question (JSRP, 2015–16).

The word 'damages' is used by the courts to describe the compensation paid in such cases, further emphasising the perception of a woman's body as being the property of her family and the wider recipient community. In so doing, the courts 'restore' the gender norms that treat girls and women as property, enabling not only the justification of violence against girls and women in the private sphere, but also providing the grounds for their mistreatment and abuse by the armed actors that are party to South Sudan's current civil war. Ironically, in reinforcing gender stereotypes that treat girls and women as property, the courts actually undermine their otherwise useful role in mitigating revenge violence between communities by reproducing the socio-cultural environment that makes sexual violence possible in the first place, and, as such, the violent reprisals between families and communities that customary solutions are intended to prevent.

As the findings of the field research conducted by Justice Africa, the SSWLA, and CEPO illustrate, the cycles of violence precipitated by cases of sexual violence have been produced and reproduced at different levels of South Sudanese society. This is evident in the tit-for-tat 'punishment rapes' connected to the wider civil war, in the retaliatory violence at the local level, and in the customary solutions to sexual violence that require victims of sexual violence to wed their attackers.

The neglect of local attitudes and perceptions has not only resulted in unsuccessful attempts to empower and protect women from sexual violence, but also it appears to have led to a backlash against women's human rights, compounding the 'every-day' structural violence that lies beneath predominant accounts of sexual violence as a 'weapon of war' in South Sudan. As mentioned, most policies and programmes aimed at enhancing women's rights in South Sudan have been compacted into unrealistic timelines and have not been very responsive to the unique economic and socio-cultural context. Consequently, as Leonardi et al. (2010) note, 'human rights' has acquired a negative connotation, viewed as an imposition by the international community, and hence a danger to traditional societal customs and norms. Males interviewed by Justice Africa, the SSWLA, and CEPO even blamed international NGOs and 'that thing of human rights' for the problems in their communities, including the impact of the present conflict (Justice Africa, 2016, p. 50). As one respondent commented: 'before people respect one another and now there is no more respect. That is the way of human rights—human rights, they have brought the problem to South Sudanese society' (FGD, men, POC 1-Juba, 9 June 2015; cited in Justice Africa, 2016, p. 50). Another participant added: '[w]e were happy with our laws. It was binding. Now with the current laws of South Sudan which we consider foreign, they are incompatible. . . . Ours are our laws at the community level, the one that we value' (FGD, chiefs, Minkgaman, 7 July 2015; cited in Justice Africa, 2016, p. 49).

Initiatives that have targeted chiefs and other actors implicated in the customary system have tended to adopt an education-based approach, assuming that human rights training, including sexual violence prevention, will automatically translate into the everyday practices of traditional courts and the community more broadly (Leonardi et al., 2010). This substantially underestimates the extent to which principles pertaining to the individual rights of criminals, juveniles, and women 'conflict starkly with local norms and social and economic systems based upon patrilineal structures, collective responsibilities . . . and payment of bride wealth' (Leonardi et al., 2010, p. 84). Even where chiefs look to implement human rights laws, they risk 'alienating people, who will seek alternative venues in which to settle their disputes, or undermining faith in the wider legal and judicial system' (Leonardi et al., 2010, p. 84). Thus, attempts to actualise women's rights and protection from sexual violence have encountered considerable difficulty, especially where they are seen to challenge customs and practices concerning bride wealth. Another interviewee stated: '[a]ccording to human rights principles that girl can choose which is contrary to our culture. The father is the one to choose because he wants to get cows. She has been raised since the day she is born. She cannot go with nothing she hasn't paid back to parents' (FGD, chiefs, Minkgaman, 7 July 2015; cited in Justice Africa, 2016, p. 49). Hence, women expressed reluctance in reporting sexual violence as they feared being perceived as 'taking men's places': '[a] man will say that a power is taken by women when she reports. Look at this woman, how come she is speaking like this in

front of men' (FGD, women, Mingkaman, 4 July 2015). The FGDs and interviews revealed that where such teachings are perceived as a challenge to the status quo, ad hoc efforts to augment women's protection against sexual violence can lead to the potentially violent reinforcement of gender norms. As one person put it: 'the daughter should be forced . . . if a daughter chooses someone this is becoming bad human rights' (interview, paralegal, Mingkaman, 6 July 2015; cited in Justice Africa, 2016, p. 50).

While resistance to efforts to change society's treatment of women is to be expected in many ways in a highly patriarchal, patrilineal society, where a freefalling economy and insecurity have left many communities almost entirely reliant on the income accrued from bride wealth, most human rights education initiatives have endeavoured to raise awareness of women's rights without considering the significance of patrilocal, bride wealth-based marriages for the functioning of the local political economy. As has been observed in other conflict-affected settings, attempts to address sexual violence ordinarily proceed with appeals to customary authorities to end it once and for all, with international policies coming out triumphant in the fight to emancipate the 'other' woman (Abramowitz and Moran, 2012). Yet, as evidenced above, the exclusion of local perspectives and the contextual realities in which acts of sexual violence are rooted can lead to the violent reinforcement of the patriarchal underpinnings of gender relations.

Conclusion

The foregoing discussion on the potentially negative and unintended effects of predominant discourses on conflict-related sexual violence is by no means new. Using empirical details from an active, yet understudied conflict, that of South Sudan, where sexual violence has become appallingly widespread, the paper provides some insights into the impacts of how wartime rape and other related offences are framed and dealt with in conflict-affected settings. It shows that, to the detriment of South Sudanese beneficiary populations (male and female), dominant discourses on sexual violence as a 'weapon of war' often have disregarded the root causes of sexual violence by ignoring the historical realities of civil–military relations in South Sudan, as well as the structural violence associated with the local political economy of bride wealth and the concomitant commodification of feminine identities and bodies that only strengthens 'the use of female bodies as a reward for men's hardships at the front' (Oosterom, 2014, p. 20). As emphasised throughout the paper, the consequences of a reliance on predominant discourses and oversimplifications are never only discursive in nature. Neglect of the structural foundations of sexual violence in South Sudan's conflict has possibly contributed to the previously observed backlash against human rights in the country, heightening 'everyday' violence through the violent reinforcement of traditional gender roles via acts such as early and/or forced marriage.

The implications that follow are by no means straightforward. Clearly, sexual violence in the current civil war needs to be situated in the broader history of predatory civil–military relations. During the second civil war, the SPLM/A sought to 'inculcate in its recruits an ideology of "hyper-masculinity", equated with demonstrations of aggressiveness, competitiveness and the censure of emotional expression' (Hutchinson, 2000, p. 11). This bolstered patriarchal norms and practices in South Sudan that already equated women with property and men with violence. As one local women's rights activist in Juba underlined: 'when the war stopped we didn't know how to deal with militarisation . . . at [the] community level' (interview, civil society representative, Juba, 10 June 2015).

In the long-term, then, more needs to be done to deconstruct perceptions of violence as an acceptable tool of authority and control among men (Oosterom, 2014), which can be exercised with impunity by those wielding a gun. In the immediate term, policies should be mindful of customs that commodify women and girls, such as patrilocal, bride wealth-based marriages, and be cognisant that in a conflict-affected environment with a collapsing economy that denies women access to land, material wealth, and other means of survival, 'abduction, sexual slavery, rape, survival sex and customary [bride wealth] marriages exist on a continuum on which female sexual agency becomes more and more constrained by material circumstance' (Burnet, 2012, p. 77).

Accordingly, future NGO programming needs to respond to the very real linkage between women's resource/income access and their sexual agency in South Sudan. Supporting food access and alternative income generation for women could be considered as a protection measure against different forms of sexual violence, allowing women to gain more independence over their own bodies and lives. Broader livelihoods policies that could reduce the dependency of families on bride wealth for income and survival also need to be contemplated and evaluated as a culturally sensitive and more indirect step towards preventing sexual violence in the long run, especially the more 'everyday' offences that lie beneath predominant accounts of sexual violence in South Sudan's civil war.

Finally, although customary law frequently underpins and sometimes violently fortifies conventional gender roles, including the view of women as commodities in South Sudanese society, customary law and courts are not static and incapable of adaptation. As has been noted with respect to the delivery of customary justice in the POCs, or in the UN-protected sites for internally displaced persons (IDPs) in the country, local courts are 'collectively re-inventing and invigorating . . . tradition' (De Waal and Ibreck, 2016, p. 2). Past and present, there are recorded cases of where 'judges may deem these customary practices to be "contrary to justice, equity or good conscience"' (Deng, 2013, p. 47), with rape cases immediately referred to the statutory courts by customary chiefs. Such accounts should be recorded to 'maximize their potential to serve as precedents' (De Waal and Ibreck, 2016, p. 2) and included in processes of incremental change that are inclusive of the wider community, including

male populations that, at least in some instances, have demonstrated a resistance to foreign interference.

Along these lines, efforts to educate populations in human and women's rights are unlikely to be successful in a setting where, as mentioned, such principles 'conflict starkly with local norms and social and economic systems' (Leonardi et al., 2010, p. 84). As such, rather than utilise pre-set blanket policies to end sexual violence as a 'weapon of war', international partners need to work closely with local civil society to contextualise sexual violence and locate areas of compatibility between local cultures and customs and international human rights frameworks as entry points for programming that aims to empower and protect girls and women.

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Endnotes

[1] Interview and FGD guidelines were subject to an internal review process by Justice Africa and its local partners, which together developed an ethical strategy for interviewing survivors and other participants. The guidelines were created in conjunction with WHO and UNHCR (2004), WHO (2007), and IASC (2015).

[2] Participants included sexual violence survivors, witnesses of mass atrocity, women, men, youth, adolescents, internally displaced persons (IDPs), customary chiefs, judges, police, combatants, including members of local militias, commanders, local government officials, as well as key informants in civil society and the international community.

[3] During data collection many people were not willing, or able, to speak openly about sexual abuse at the hands of the armed forces. Most of the participants instead commented on their direct experience of sexual violence from the perspective of a 'witness'. Our preference was to be highly cautious and to gather testimonies only from those who approached Justice Africa and its partners, providing space for people to narrate their experiences from whatever vantage point they preferred. The researchers adhered strictly to the principles of respect for the dignity of participants, confidentiality, equality, and do no harm, and interviews and FGDs were carried out only if informed consent was clearly received from and continuously provided by those involved. In addition, special attention was paid to ensuring that these principles were not compromised by the emergency environment—a large-scale government military offensive happened to be taking place in conflict-affected areas of Jonglei, Upper Nile, and Unity states where some of the research was performed. In fact, field sites were changed on more than one occasion to guarantee that participants had access to relevant services and to avoid the replication of documentation efforts by other human rights organisations and the affiliated risk of re-traumatisation owing to multiple agencies collecting information on human rights abuses.

[4] Similar trends were observed in South Sudan, particularly in rural areas, where rather than the strengthening of access to justice, women wanted livelihoods support and income-generating activities to gain some semblance of economic independence and to be able to contribute to rebuilding their own lives, and the lives of fellow community members.

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