Genderizing War: The Impact of the Civil War on the Women of Upper Nile State in South Sudan

By

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DECLARATION

I, undersigned, declare that this is my original work and has not been submitted to any other college, or university other than the United States International University- Africa for academic credit.

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ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPA	Comprehensive Peace Agreement
GOS	Government of Sudan
GPC	Gulf Petroleum Corporation
ICC	International Criminal Court
ICRC	International Committee of Red Cross
HIV	Human Immunodeficiency Virus
NIF	National Islamic Front
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
WHO	World Health Organization
UN	United Nations
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations International Children's Emergency Fund
UNSC	United Nation Security Council
UNSCR	United Nation Security Council Resolution

ABSTRACT

This study examines the nexus between the impact of the civil war and the discovery of oil, on the women and girls of Melut County in Upper Nile State in South Sudan. The study assesses the atrocities committed by the combatants, especially those that qualify as acts of genocide and the correlations to oil wealth. The recurrent armed conflict in the Melut Basin has turned the whole country against itself, without external aggression. Of a particular interest to this study is the violation of human rights specifically meted on women and girls of Melut County, to understand why they become target of violent acts, such as rape, which is being used as a weapon of war and why this strategy has been adopted by the various Militia and the State Military.

This study reveals the motive behind the grotesque strategy of rape as a weapon of war and its origin. It relied on qualitative research and secondary data was collected from peer reviewed journals and books. The data type comprises of challenges faced by women in Melut County, which is not quantified, hence can only be qualified by describing the roles the various actors play and the nature and adequacy of support rendered to redress insecurity, especially amongst women and girls. The merit for adopting a qualitative research in this study was to acquire in-depth knowledge of the current situation and ascertain the progress or failures of previous intervention with the aim of understanding the nature of support required to end these atrocities against women and girls, and other human rights violations that demean humanity, which would also end the conflict emanating from the contradiction between doctrine and policy and which should supersede the other in the interest of the State development. This study provides very important strategies which will go a long way to help curb these and other emerging security threats arising from various communities within South Sudan.

CHAPTER ONE: GENERAL INTRODUCTION

1.0   INTRODUCTION

Africa's new State, South Sudan, became an independent State when it seceded from Sudan on midnight of July 9, 2011 following a referendum that claimed 99% votes in favor of the separation (Dickinson, 2014). The world's newest nation comprises of an estimated population of 8.2 million, all living within 239,285 square miles (619,745 sq. km), making it the world's 42nd largest in size. South Sudan borders Ethiopia, Kenya, Uganda, Democratic Republic of the Congo, Central African Republic and Sudan (LeRiche and Arnold, 2013).

The constitution was ratified on July 7, 2011, by the government of South Sudan consisting of the President, Salva Kiir Mayardit, the Legislative Assembly and the Judiciary (Jok, 2013). South Sudan relies heavily on Agriculture and extractive energy such as crude oil (85% production) and solid minerals, such as iron, copper, chromium ore, gold, mica, silver, tungsten and zinc. Mohamed and Akongdit (2012) state that the agricultural production is the largest sector, employing over 80% of its people, mostly in timber production. The nation's economy is regarded as one of Africa's weakest and most underdeveloped with a very high death rate. Most part of the nation lacks power and water with very few tarred roads (Iglesias, 2014).

The Upper Nile State is bestowed with substantial oil fields, located in the North-Eastern part of South Sudan, with an estimated population of 950,000 living within 78,000 square km (Johnson, 2014). The state is besieged by pockets of militia groups operating in thirteen counties, namely; Akoka, Bailet, Fashoda, Longochuk, Maban, Maiwut, Malakal, Manyo, Melut, Luakpiny/Nasser, Panyikang, Renk and Ulang (UNDP, 2012). The armed conflict between several militia groups and the state military has resulted in several grotesque human rights violations especially the raping of women and girls, and the burning of boys alive, which

suggests a deliberate act of genocide, with the intention to destroy the productive capacity of those communities (Human Rights Watch, 2015). Raping of women and girls by soldiers and several militia groups has been one of their motivations to sustain the conflict (Meger, 2010).

Furthermore, teenage girls have increasingly been targets in active armed conflict in the Melut Basin in Upper Nile State, informing a social disintegration and alteration of family units within affected communities, as these girls are rejected by their men due to numerous effects of rape, such as life-threatening diseases, hence they are stigmatized (Blanchard, 2015). According to a UN report in 2016, the Government of South Sudan encouraged the military to the rape women and girls in place of their wages. "This is one of the most horrendous human rights situations in the world," UN rights chief Zeid Ra'ad Al Hussein said in a statement. This gruesome act of violence has resulted in the stigmatization of the traumatized victims, the humiliation of the society and the demoralization of the men at war(Jackson and Sørensen, 2015).

Despite the international conventions against rape, militia groups as well as the state military consistently violate the provisions of international law. Articles 3 and 4 of UNSCR 1820 (2008) demands that all parties to armed conflict immediately respond appropriately to protect civilians, including women and girls, from all forms of sexual violence. Article 4 notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide (Russell-Brown, 2003).

> Rape hereby is an act of genocide, where "Genocide is an act committed to destroy in whole or in part, a national, ethnic, racial or religious group, as such: the killing of members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent birth within the group, forcibly transferring children of the group to another" (Staub, 1989, p.576).

According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, causing serious bodily or mental harm to members of an ethnic, national, or religious group and/or "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" constitute genocide according to Sharlach, (2000). Rape as a form of genocide was employed by several pockets of militia in the Upper Nile State to ensure the permanent relocation and displacement of indigenes in the oil rich counties (Russell, 2015).

The historical armed conflicts surrounding the oil rich counties, such as Melut and Maban has been characterized by contestation for control of the oil region by several militia groups, whose focus is more on displacing the indigenes for the purpose of occupying their land and ensuring they never return or have any prospect of reproducing offspring in the future (Amusan, 2014). These strategies have been condemned by the United Nations and other International agencies and communities (Johnson, 2014).

The source of conflicts in Sudan can be traced back to independence from the United Kingdom in 1956. The spirit of Nationalism swept through the entire country, bringing together all religious entities and ethnicities to fight for their liberation. Soon after independence from the United Kingdom in 1956, Sudan went into civil war and all parties and sects went back to their cocoon to contest the seat of power (Ylonen, 2005).

Religion played a key role in dividing the North and South into Muslim north and Christian south. The historical disparities between the Islamic dominated North Sudan and the Christian dominated South Sudan and their strong alliances to various religious groups, strengthen the basis for ideological differences and the conflict. The two religious regions were nationalistic in their liberation struggles to gain independence but later separated, which is

similar for liberation struggles in other countries in Africa, such as those in Kenya, Nigeria, Rwanda, Democratic Republic of Congo and many others (Young, 2003).

A similar incident occurred in 2011, soon after independence of South Sudan from Sudan on 9 July 2011, where both nations resumed armed conflict using ethnic militia to fight for the control of oil fields. The war was ignited by the remnants of Sudan's militia groups who had resided in the Melut Basin after the independence. They were strategically positioned to ignite conflict and mayhem at the slightest opportunity, hence the numerous militia groups had but one agenda; to seize control of the oil rich Melut Basin (Hutchinson and Pendle, 2015).

The magnitude of the armed conflict and the cocktail of militia operations also had its fangs in the various actors playing a significant role in the oil industry of the Melut Basin. President Al Bashir of Sudan granted prospecting and operational licenses to oil firms who were largely members of the Arab League and Islamic Conference. His stake through this consortium was substantial, to the tune of 80% of oil revenues. The independence claimed the Melut Basin as part of the territory of South Sudan, therefore,it was out of the jurisdiction of the President of Sudan,and invariably out of his political control. This left him with no option than to engage in war, with the intention to regain control of the region. It became a situation that compromised the security of the hosting communities of the oil fields (Astill-Brown, 2014).

Jansen (2008) posits that the consistent outbreak of war led to thousands of people fleeing their homes to neighboring countries, where they reside in refugee camps, especially the Kakuma refugee camp in Kenya. The refugees in Kakuma were allowed to create their means of livelihood within the camp, however, insecurity within the camps distorted many businesses. The refugees were involved in informal trade of daily household goods, which are supplied by neighboring communities(Jansen, 2008).

Grayson (2014) mentions that the living situation of the refugees in Kakuma is not distant from that of refugees in other countries, as they must transit from their original lifestyle to their new environment, which often conflicts with the cultures of the hosting communities. They also have an impact on the population growth, as they continue to raise offspring in the camps. The population increase contributes to the congestion in basic facilities and amenities within the camp, as well as increase the vulnerabilities of the newborn to communicable diseases, such as cholera, measles, diarrhea and others (Grayson, 2014).

According to Muggah and Berman (2001), the health facilities within the camps are overwhelmed, due to the increase in conflicts arising from the infiltration of militia and the rise in proliferation of small arms and light weapons. As opposed to migrants in other countries, those in the Kakuma refugee camps have limited choices to generate meaningful domestic income that can sustain their households. Therefore, they have to depend on their kin left behind for sustenance, or flee the camps to reside in urban areas in Kenya. Although their relocation is not a guarantee that they will prosper, it's assurance that they will engage in one of the numerous opportunities that are found in those urban centers (Muggah, and Berman, 2001).

1.1   BACKGROUND OF THE STUDY

Melut County is bordered by four Counties in Upper Nile State, namely; Manyo in the South West, Maaban in the East, Baliet in the South and Renk in the North. The Upper Nile State of South Sudan is one of its twenty-eight states, formed on 2nd October 2015. Upper Nile state, borders other States; Eastern Bieh State, Western Nile State, Latjoor State, as well as Ethiopia. Melut is located on the East of White Nile (a main tributary of the Nile), according toEl Ghazal and EL Ghazal (2016). Its proximity to the Nile informs the commercial fishing practice and

cattle herding, as the cattle are grazed on fresh green fields along the river banks. It also informs the high rate of cattle theft as a consequence of poverty related to the recurrent war states Blench, (2000). The recurrent war in Upper Nile State has distorted the occupation of its inhabitants, leaving them to depend heavily on kin, especially those in Diaspora(Jok, 2010).

Melut County comprises of Dinka, Shilluk, Burun, Fur, Nubian and Nuer communities, mostly pastoralists and small business owners. Melut County boasts of oil wealth in the Melut Basin, which contains a vast oil field that was discovered by an American oil company 'Chevron' in 1981, and by 1996, the Adar Oil field was in full operations, producing 276 million barrels per day. The Great Paloch Field was also discovered to have estimated reserves of 900 million barrels (Mager, Wirkus, and Schoepfer, 2016).

According to Mager, Wirkus and Schoepfer (2016) posit that Melut County consists of Melut basin, rich in hydrocarbon deposits especially crude oil, which has driven the government of Sudan and later South Sudan to forcefully evict the residents of the Melut basin out permanently, without any consideration to return. They mention that the government troops were given a mandate to rape and kill women and girls, to ensure the discontinuity of the tribes composing the County and to ensure that no ethnic group would lay claims to the oilfields Mager, Wirkus and Schoepfer (2016). The underlying motive to discontinue the population of the ethnic groups that make up the Melut basin is suggestive of the acts of genocide, as genocide insinuates the deliberate harming or termination of life to ensure the discontinuation of a target population, posits Mager, Wirkus, and Schoepfer, (2016). According to Yates,(2016)the recurrent conflicts in Melut County cannot be dissociated from the role of foreign stakeholders in the oil region. Chevron is a U.S. oil multinational corporation, which discovered the oil in Sudan in 1981before President Al Bashir was indicted by the International Criminal Court (ICC). When

U.S.-Sudan relations became sour, President Al Bashir swiftly shifted his interest towards the Arab League for patronage and security of the oilfields. The Arab corporation was a better investment choice as they were not in alliance with the Sudanese President to unseat him (Yates, 2016).

According to D'Agoôt, (2013)after the independence, the obligation to protect the oilfields shifted from Sudan to South Sudan, hence, South Sudan had to protect the investments of the Arab League which was tied to President Al Bashir of Sudan. Therefore, the dynamic of war on one hand was between the South Sudan government troops and the Resident militia protecting the investments of the Arab League in South Sudan and on the other hand, it was between the indigenes of Melut County and the troops of the government of South Sudan (D'Agoôt, 2013).

Pedersen and Brazilian (2014) mention that the armed conflict in the Upper Nile State is characterized by gross human rights violations such as rape to death and other forms of terminating the life of the women and girls to ensure the communities do not have the potential to reproduce offspring. According to Pedersen and Bazilian (2014) the armed violence began since the discovery of oil in the later part of the 1970s, when exploration was conducted by foreign oil firms along the border stretch of Sudan and South Sudan. They state that the oil wealth from exploration and production from communities besieged by abject poverty became a dilemma that instigated conflict between the border communities and the Government of Sudan (GoS) (Pedersen and Bazilian, 2014).

Furthermore, Pedersen and Brazilian, (2014) state that the situation led to the militarization of those communities. They also argued that the militarization of the Upper Nile State laid the foundation for a hostile environmental condition that converted a civic society to a

battlefield. In his analysis, he puts forward that the incidence of occupational conversion which befell the men in those communities, whereby they formed militia groups to protect their families from invaders (Pedersen and Bazilian, 2014).

This cocktail of armed conflict led to the unforeseen humanitarian crises in the history of armed conflict. It also drew attention to the spread of epidemic diseases such as influenza which is a virus that terminates life in few minutes of contamination. It challenged the support and intervention capacity of humanitarian agencies, UN Red Cross and others (Kuek,Velasquez, Castellanos, Velasquez and Nogales, 2014).

The strategic location of Melut as the center of other Counties, signifies the migration of victims across borders carrying the consequences of forceful evictions, rape, communicable diseases, traumatic experiences and no resources for sustenance. The host communities are in constant conflict with the new migrants who flow in on a daily basis, due to the contestation for basic daily amenities such as water, food and accommodation. The host communities are also affected by the ongoing war, hence are not capable of making the migrants feel comfortable using land for farming or sharing other resources. The new migrants also contribute to the overwhelming constrain on medical and food supplies, as their daily entrants jeopardizes planned humanitarian support and obstructs interventions from donor agencies (Hay, Battle, Pigott, Smith, Moyes, Bhatt, Brownstein, Collier, Myers, George and Gething, 2013).

The exploration of oil in the Melut basin was a key factor in the initiation, escalation and sustenance of the second Sudanese civil war (1983-2005), claiming thousands of lives, and displacing thousands more into neighboring Counties (Belloni, 2011). The government of Sudan mandated its troops and Nuer militants to forcefully evict settlers in the Melut basin who are predominately of Dinka, Shiluk, Burun,Fur, Nubian, and Nuer origins, to enable the construction

of roads. The militants and the troops killed men in thousands and raped women and girls in a manner that ensured the destruction of their reproductive organs. The raping of the women and girls was not just a weapon of war but also to ensure that the scar of the humiliation would deter the return of the displaced victims to their homesteads (Pedersen and Bazilian, 2014).

The discovery of crude oil in the Melut basin was before the independence of South Sudan from Sudan. The Melut basin was part of Sudan before the independence and now part of South Sudan after the independence, which brings a lot of complications arising from ownership of the properties that are situated around the oil field as well as the protection of interests of the operators and owners of the oilfields (Patey, 2014).

Due to Chevron's suspended operations, the government of Sudan hurriedly invited a consortium of investors comprising of the Gulf Petroleum Corporation-Sudan (GPC), which operated Block 3 and 7 concurrently. The consortium comprises of Qatar's Gulf Petroleum Corporation (60% shares), Sudapet (20% share) and National Islamic Front (NIF) financed by Mohamed Abdullah Jar al-Nabi, owns 20% (Peterson, 2009). The consortium was organized to consist of Islamic organizations, whose security personnel are in constant battle with the Christian dominated Adar community which comprises of cattle herders and farmers of the Dinka tribe. The Sudan People's Liberation Army (SPLA) was the armed battalion formed by opposition groups who fought against the government of Sudan, to secure the oil territory and its inhabitants. However, the same group turned against the very people they protected after the independence, to this date (De Waal, 2014).

1.2   STATEMENT OF THE PROBLEM

This study focuses on women and girls in Melut and Renk Counties of Upper Nile State of South Sudan. The significance of the extent of rape as an act of genocide in these counties might be similar to that of other counties or countries. Therefore, the resolutions from this study might be applicable to other counties. The general assumptions indicate that rape as a weapon of war ensures the victims are traumatized, mentally distorted, injured and confused. The families of the victims also feel exploited, disoriented and abused. The men become demoralized and unstable with anger, while they avoid the victims, as most men would not like to marry women and girls that have been raped by their enemies. However, the rape situation in South Sudan is not limited to these outcomes, as the victims are mostly killed after being raped and those that survive are injured to the extent of not being able to conceive. Therefore, this study reveals rape as a means of targeting the future demographic, where the aims is to reduce the productivity of a particular clan. Therefore, there is a need for scholarly investigation of why rape is being used to genderize the war in Upper Nile State in South Sudan.

1.3   RESEARCH QUESTIONS

This research was guided by the following questions:

1. What is the relevance of killing girls and women in Upper Nile State in South Sudan?

2. What is the extent of rape as a weapon of war in Upper Nile State in South Sudan?

3. What measures can be put in place to improve upon the security of women in Upper Nile State in South Sudan?

1.4   OBJECTIVES OF THE STUDY

This research pursued the following objectives:

1. To examine the relevance of killing girls and women in Upper Nile State in South Sudan.

2. To assess the extent of rape as an act of genocide in Upper Nile State in South Sudan.

3. To recommend the measure that can be put in place to improve upon the security of women in the Upper Nile State in South Sudan.

1.5   SIGNIFICANCE OF THE STUDY

Firstly, by examining the relevance of killing girls and women in oil based communities, this research reveals the significant roles women and girls play in the cohesion and development of the society. Secondly, by assessing the extent of rape as a weapon of war in Upper Nile State this research illuminates the depth of the crisis faced by women and girls caught up in armed conflict. Thirdly, this research explores relevant measures that are sustainable in resolving the insecurity of women in armed conflict. The study will be a useful reference to policy makers, non-governmental organizations, researchers, institutions of higher learning and other relevant stakeholders.

1.6   HYPOTHESIS

The hypothesis of this thesis is that rape has been widely used by the combatants of South Sudan to inflict serious bodily and mental harm to the women and girls of oil rich communities, during its conflict and civil war, thereby distorting the prospects of reproduction in those communities. Rape as a weapon of war and their motive for harming their reproductive system is to control the potential growth of Melut and Renk population, and ensure the offspring of the survivors do not lay claims of origin to the oil producing communities, thus controlling the future demographics of South Sudan. This could be the explanation for genderizing the war.

1.7   SCOPE OF THE STUDY

The conflict in Upper Nile State in South Sudan has claimed thousands of lives and increased humanitarian offences, such as rape, which has been widely used as both weapon of war and as a replacement for wages for combatants in the South Sudan military. This study investigates the extent of rape in the civil war in South Sudan and if those atrocities constitute acts of genocide.

1.8   RESEARCH METHODOLOGY

This research is a desktop review from relevant publications; to gain knowledge and information about the role of the research population in their security and livelihood, from distinct Scholars. Secondary data was obtained from materials such as books and journals from credible sources, from the library of United States International University – Africa.

The research method used was descriptive and qualitative.The reasons for the implementation of a desktop research (secondary data) as opposed to a field research (primary data), is firstly due to the state of security inthe specific location of research. Upper Nile State in South Sudan is currently an unpredictable area, as a result of the instability due to the armed recurrent conflict. Secondly, the aforementioned,is a cost-effective technique that involved reviewing data from existing resourcestogain an in-depth understanding,explore the profundityand complexity inherent in thisphenomenon. A comprehensive systematic design approach is applied.

1.9ORGANIZATION OF THE THESIS

This thesis is organized into four chapters, with each chapter sufficiently addressing the designated scope of work. **Chapter one** addresses the background of the study, which entails the

fundamentals of the description, then proceeds to the statement of the problem, which reveals the issue areas of concern and the research questions and mentions Methodology. **Chapter two** provides an extensive review of literature, which discusses the relevance of killing girls and women in oil based communities. It also reveals the significance of rape in armed conflict as well as the roles women play in the cohesion and development of the communities that make it attractive for the militia to distort. The chapter also assesses the depth of rape in Melut and Renk Counties, to be considered as a crime against humanity. **Chapter three**presents women and war in Upper Nile State, in South Sudan. **Chapter four** presents the conclusions and recommendations.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0   INTRODUCTION

This chapter reviews the available literature on genderizing war and the impact of the civil war on the women of Upper Nile State in South Sudan. It begins with the background of the conflict in South Sudan, to provide the basis for assessing the crimes against humanity. This chapter also provides the theoretical framework.

The discovery of crude oil in Africa, has been surrounded by armed conflict, leading to the distortion of global oil prices, economic recession, and numerous human rights atrocities arising from armed conflicts between the communities, militia groups and government troops. South Sudan is not an exception from the consequences of oil exploration and trade, but has drawn attention to the peculiarity in the strategies adopted by all parties in the war, in carrying out inhumane acts that qualify and constitute crimes against humanity.

Instability in the top hierarchy of the government of South Sudan is also responsible for the escalation of armed conflicts, and as a result the various factions in disagreement with the State administration conflict with the various militia groups and security personnel of oil corporations. The fragmented State administration gave leeway to the establishment of various militia groups with a common interest, to seize power and control the oil resources. Another peculiarity to this war is the targeting of unarmed persons, especially the vulnerable population, such as women and girls.

2.1   LITERATURE REVIEW

According to Beamon (2006) the Upper Nile State of South Sudan borders Ethiopia to the West and covers an area of 77,773 square Km, with an approximate population of 964,353 with Malakal representing the administrative capital. He reveals that Upper Nile State has been in the limelight for several armed conflicts in Melut, Kodok, Nasser, Oriny, Maiwut, Gerger and Renk. However, the armed conflicts in Baliet and Fashoda cannot be overlooked as well. He also notes that there has been persistent battle by the militia and the government troops to seize control of oil rich towns such as Malakal, located 497 km north-east of Juba (Beamon, 2006).

Massaquoi (2007) posits that conflict poses a different dimension in the society, where men and women play different roles from their regular societal constructed roles. He went on to say that, in the event of conflict, men fight for their communities while women protect their children. On the other hand, Kumar (2008) argued differently, that women also act as militants alongside their male counterparts. Although McFerson (2011)agrees with that notion, he however focused on their commonality rather than their differences, stating that they may play different roles, but are subjects of similar predicament of losing property, lives and occupation.

However,Weiss, (2016)moved his argument away from the usual rebel causes to political influences, as he argues that a significant catalyst to the current armed conflict in South Sudan was the lack of consensus among state leaders to harmonize all-inclusive domestic policies that would ensure no ethnic group is marginalized. Due to the collapse of the state institutions, most of the state priority has been focused towards the fortification of the military armory and importation of small arms and light weapons to sustain the war (Weiss, 2016).

Kydd and Straus (2013) state that the increased death rate is in direct relation with the increased importation of ammunition. The South Sudan government has invested in the death of its people rather than in their livelihood, resulting in the split in ideological agendas among the ruling class. As some of them are not in support of the diversification of oil revenues to arms deals. Kydd and Straus (2013) suggest that the division contributed to the creation of more militia groups that carried out mass killing against unarmed civilians in Melut basin, Nuer region, killing thousands of unarmed civilians. Kydd and Straus(2013) further claim that the act of genocide instigated other armed conflicts in retaliation and also in pursuit of dominant ideologies of the militia groups. Kydd and Straus(2013) disclosed that suspicion was a significant contributing element to the division in the hierarchy of the leadership of the government of South Sudan (Kydd and Straus, 2013).

Shankleman (2011) argues that the ruling party, Sudan People's Liberation Army/Sudan People's Liberation Movement (SPLA/M) has been experiencing some turbulence since its inception in 1983 such that entrenched its fragility and instability, whereby the party leaders could not reach a consensus on harmonizing state policies for effective leadership. President Salva Kiir was suspicious of his former deputy Riek Machar over eight years. According to Shankleman (2011), the President was only interested in implementing his policies as well as enforcing his ideologies and was not receptive of other opinions nor allowed for the implementation of policies that he did not create, which resulted in the redundancy of many senior state officials.

President Kiir became even more paranoid by the day, a source of insecurity displayed in selfish ambitions that have further divided his cohorts (Lasley, 2012).His constant change in arms and political directions displayed suspicion for his key allies. Shankleman (2011) states that

the rift between the President and the former deputy contributed to the grievances within his leadership, whereby the stakeholders felt the President amassed too much power, which for example produced the Transitional Constitution of South Sudan, 2011, that replaced the CPA democratic constitutions (Shankleman, 2011).

The creation of policies in an unstable nation is only directed to a few and not for the benefit of the entire society. Dagne (2010) pointed out that the dispute within the ruling party, emanated from the implementation of draconian Decrees that were contrary to the constitution, which he said was responsible for the tyrannous nature of the seat of power. He further explained that the weak corridors of power gave leeway to the creation of new militia groups. He argued that the expansion of militia activities was inevitable, as the conflict were further exacerbated when the President dismissed democratically elected governors that opposed his agenda.

The new militia groups were headed by those who fell out of favor with President Kiir. Dagne (2011) however emphasized that the most affected by armed militia offensives are Melut County and Renk County in the Upper Nile state, Jonglei, Western Equatorial, Wrap Lakes and Western Bahr el Ghazal, he concluded that the recurrent conflicts were not short of funding from oil revenues that has diverted the state obligation from protecting the citizens to fortifying the armory of the defense (Dagne, 2010).

War brings an entire economy to a standstill, producing the worst living conditions as a result of the halted economy, South Sudan felt the pain of losing its economic activities to the war, as most farming activities were reduced from commercial farming to just providing for the immediate family. Salman (2011) posits that although the state had shifted its priorities from citizenry to defense, the agriculture sector, which was the economy of most people in South Sudan was bound to suffer due to the war. He stressed that aside from the lack of state support

towards agriculture, the war had overwhelmed the farmers, who had to escape their mine-inflicted farms to protect their families back home. This situation he said, left the new nation to depend on Food Aid and importation of much needed basic food commodities from neighboring states, friendly states and donor agencies (Salman, 2011).

There are other views to economic collapse in South Sudan, which might be minimized or dismissed from most literature in war times, such literature that exposes the endemic vulnerabilities of the societies such as ethnicity, nepotism and corruption. Allan (2012) is one of those credible authors who had a different view to inability of the state to meets its obligations to the citizens, he insists that nepotism and corruption was largely responsible for the weakened public service. He explained further that the state structure became ethicized, as tribal chief's occupied significant positions in civil service in lieu of rent for their loyalty to President Kiir.

When a state President is ethnically biased in war times, it is difficult to trust arms in his control, because he may divert the arms for his personal protection. This was evident in the literature of Allan (2012) who claims that the President as Commander in Chief of the Armed Forces received military aid from donor countries to restore peace in South Sudan. This gesture he said gave the President the ample opportunity to consolidate forces that would undermine the various militia groups, which were created by the numerous opposition tribal leaders. He also explained the impact of nepotism on the judiciary, as the legal institution was too weak to carry out its functions of providing justice to its citizens (Allan, 2012).

Abdulkarim (2011) reveals the difficulty faced by women, when they lose their husbands to conflict, stating that, when the situation occurs, they are left with the burden to cater for their children and the aged, amidst other responsibilities and liabilities. He further went on to say that, without a source of income and property rights, their situation forces them into desperate living

conditions, thereby creating more social problems for their communities, South Sudan, and the International Community at large, rendering the situation and the international issue. He also mentioned that as a result of rape in the conflict, women are compounded with health constraints such as poor medical care for those suffering from sexually transmitted diseases such as HIV, gonorrhea and syphilis. Most of these diseases live with them for the rest of their lives, hence limiting them from procreation, as well as enjoyment of their fundamental human rights (Abdulkarim, 2011).

However, Marshallet al (2011) discuss the challenges women encounter in post conflict reconstruction by saying that patriarchy contributes to the exclusion of women in decision making and negotiation. He states that, they are neither allowed to discuss at the table with the men nor tabulate their grievances and challenges. He goes further to explain that this makes it difficult for women's issues to be heard or resolved. Moreover, he also affirms that women in such a situation are structurally undermined, displaced and marginalized in community development, whereby most State Agencies do not welcome female participation as a result of their culture, making culture supersede State Institutions and Legislations.

Furthermore, Marshal et al (2011) puts forward the law enforcement agencies are known to have brutalized women who have reported domestic violence, which further entrenches the difficulty in alleviating their suffering. Invariably, women are physically and structurally abused due to their cultural practices which silenced their voice, hence limiting them from public participation and opinion (Marshall, et al, 2011).

A study carried out by International Alert (2008) shows that the lack of gender mainstreaming in peace building signifies the lack of legitimacy in peace processes. Being that women and girls are the most affected in conflicts, they cannot narrate their difficulty during the

conflict. Therefore, resolutions that are made without their engagement lacks legitimacy and in that adequate attention to the security of women and girls in conflict is streamlined (International Alert, 2008).

Gustavson (2010) noted that men should assist their women in gaining access to mediation and reconciliation processes, for the purposes of outlining their predicament. He argued that their predicament is however shared, if it is as a result of rape and its consequences. He states that infected women are capable of transmitting diseases to their husbands, which informs the increase in mortality and ailing populations. Since tradition and religions shun the useof protection during intercourse, which becomes inevitable to contract these diseases from their infected wives (Gustavson, 2010).

In regard to peace processes, Lahai (2010) articulates that a few variables can be distinguished to approve the contention that peace procedures are more and more becoming feminine however disagreeable and that women are key actors in setting the parameters for practical peace. The feminization of war related violence, particularly SGBV, against non-military personnel populaces has developed as one of the spurring factors for the intercession of the international community to end prolonged conflicts in Africa. Furthermore, the feminization of peace procedures and the core of what women do in wartime has additionally affected the rise of women'speace activism. Like war, peace is gendered. While men rule in the formal peace talks, couple with their over-fixation on the political inquiries that prompted the contention, women are more apprehensive about socio-economic, humanitarian and domestic issues in the aftermaths of war.

During wars, it is an inevitable circumstance for the survivors of the war to either adapt or flee, rendering it an international issue and in most cases,it is (Renaud, Bogardi, Dun and

Warner, 2007). Muhammad (2010) reiterates that, refugees cause alarming havoc to host communities, in the process of sustaining themselves. Stating that, in the event of conflict, people flee to the border communities, with severe trauma, hence in stabilizing, they tend to conflict with the host communities. Notwithstanding their unresolved habitual challenges, he noted that the presence of refugees is a potential to spark off violence due to the struggle for scarce and renewable resources such as water and land (Muhammad, 2010).

Some of these refugees have lost their source of income, hence cannot afford adequate housing for their families, therefore share small accommodation in informal settlements with many families, creating a vulnerable condition for the spread of communicable diseases (Muhammad, 2010). Bruijn (2009)magnifies the medical status of refugees by stating that they are faced with medical conditions they cannot afford to treat, due to the lack of income, as such they depend on self-medication, herbal medication or total lack of treatment, which often leads to their death (Bruijn, 2009).

Bruijn (2009) however considered the burden of hosting refugees and the impact on available medical services which are often overstretched, especially with women who became pregnant as a result of rape or sustain sexually transmitted infections. Some of whom are abandoned or quarantined by their husbands and family members as a result of shame, stigma and fear of transmitting diseases to their household (Bruijn, 2009).

2.1.1   ARMED CONFLICT IN THE UPPER NILE STATE OF SOUTH SUDAN

In the case of several oil producing countries in Africa, oil has distorted the peaceful coexistence of the society, hence compromises the security of the state. In every war, there are actors, these are stakeholders who play active roles in the planning and execution of the war.

This include people who engage in the transactions of weapons, transportation and proliferation of small arms and light weapons. This also include those who own the oilfields and the various investors in the oil industry of the conflicting state. The list of actors cannot be exhausted due to different nature of conflicts arising from oil rich locations in different countries, however, South Sudan oil production and the conflicts that besieged the new African nation is not left out. The assessment of the actors involved show that the foreign oil companies and the government of Sudan and later South Sudan are active players in the conflict, while the indigenes of the affected communities are the victims of the war created by these few actors.

Medani (2011) mentions that the forceful evictions of persons and the displacement of indigenes from their homesteads was associated with the discovery of crude oil in the Melut Basin, where the U.S. multinational oil firm, Chevron explored oil before the sector was later liberalized to allow for full Arab control. However, he stressed that the dynamics of the conflict was characterized by the establishment of many militia groups who did not necessarily have direct relations with the communities concerned but had significant interest in seizing the oil fields and displacing the inhabiting communities. This situation is common in oil producing states in Africa, where vandalization of oil facilities and expulsion of indigenous people are followed by looting of oil, which is also known as bunkering (Medani, 2011).

There has been the display of many agendas in the war in South Sudan, involving numerous actors who organize and fund militia operations to achieve their objectives of illegal control of oilfields for the purpose of illegal trade of oil within the black market. According to Heidari and Moreno (2016), the displacement of inhabitants of oil rich communities have been craftily deployed by militia groups, whereby they adopt a new strategy to stem the growth of certain communities by inhabitations' and hanging teenage boys. They stated that the militia

ideology was to cease the inhabitant right to ownership of land, an ideology that was initiated by President Al Bashir of Sudan in the early days of oil exploration, but when this initial plan did not end the return of refugees to their land, the recent militia groups decided to cease their right to life, in order to curb the potential growth of indigenous population within their communities.

The gruesome incidence of stemming the growth of a particular group or ethnicity, is an act of genocide. To buttress this argument, Heidari and Moreno (2016) cited the definition of acts of genocide, which states that "It is deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part as well as killing members of the group are considered acts of genocide" by The International Convention for the Prevention and Punishment of the Crime of Genocide (Heidari and Moreno, 2016).

Kaiser (2016) argues that arms circulation in South Sudan is on the rise, as more shipments find their routes through the Red sea, flooding the arms market with sophisticated weapons which are purchased by the government troops, private oil firm security, and private citizens and foreigners alike, who provide their own security details. Kaiser (2016) admits that acts of genocide are committed by the militia which informed the taking up of arms by the men of the communities for defense and protection of their families. This situation, he said, entrenched the militarization of the Upper Nile State, as a trio-combat operation, which comprised of resident militia, invading militia and State military troops. The assortment of rival groups contributed to the escalation and sustenance of the conflict, which led to mass displacement and forceful eviction of inhabitants in the oil rich communities. He argues that there are several channels of arms proliferation that were sufficient to sustain the crescendo of the conflict. He also claims that the illegal circulation of small arms contributed to the

conversion of farmers to militia and farms to land mine fields, risking the severity of violent conflict (Kaiser, 2016).

The social consequences of war on a society cannot be undermined as Leach (2015) assumes that, as arms proliferation increased within the communities, the conflicts worsened across the nation as a result of resource control and the deflating leadership structure, leading to millions of people dead or missing between 1983 and 2016. He argued that armed conflicts have torn the social fabric of the society and ruined many families, while destroying the cultural heritage of the communities, through consistent disintegration of cohesive structures. He stated that as the number of people reduced in their communities, the oil firms continued to expand, occupying a sizable portion of the land, leaving very little for returnees. Stating that, if the survivors ever get the chance to return, they wouldn't identify their land, as it would have been claimed by the oil companies with the authority of the government of South Sudan and with direct instructions from President Kiir (Leach, 2015).

Several analyses have emanated from the conflicts in Upper Nile State, but few have mentioned the psychological impact of the war on those that flee and become refugees in other countries. Forceful eviction of persons from their abode to foreign lands across the borders changes the status of the people from citizens of their state to refugees in another state. The refugee status is accompanied by stigma, as a result of the dilemma between the expectations of the refugees and the hostilities meted on them by the host communities.

Most host communities are poor and are unable to cater for migrants or refugees, due to limitation of resources and overcrowding homesteads. Forced migration has contributed largely to border conflicts due to contestation of land for farming and grazing, as most migrants feel they are entitled to land or are ignorant of land laws in the host country. Berenger (2016) is among the

few who state that this precarious situation sets the conditions for mental distortion of the migrants, whereby, they completely lose their self-pride, worthiness and morale to coexist with other Sudanese or contribute to the development of their nation when they return (Berenger, 2016).

2.1.2 THE DEFINITION AND USE OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV) IN THE WAR

According to UNHCR (2017), Sexual and Gender-Based Violence (SGBV) is a violation of human rights that refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It can be physical, emotional, psychological, or sexual in nature (UNHCR, 2017). According to Tappis (2016), the most severe threat to girls and women remains sexual and gender based violence (SGBV). She argues that those at risk of SGBV are in direct proportion with the rest of the population, signaling the impact on the society and the alarming growth rate of women at risk (Tappis, 2016).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) describes gender based violence as violence directed on a person because she is a woman, whereas the United Nations General Assembly declared that any physical, sexual and psychological violence against women is categorized as gender based violence. The World Health Organization (2016) states that about 35% of women face gender based violence once in their lifetime and 38% of murders of women are committed by a male intimate partner. Most incidences of sexual violence are a consequence of armed conflict and are more prevalent among refugee populations as incidences of rape (WHO, 2016).

Additionally, Schubert(2014) argues that rape as an example of sexual and gender based violenceis defined in the penal code of South Sudan as sexual intercourse without a woman's

consent. According to the Criminal Act of 1991, Sharia law, the act of forceful sexual intercourse against a woman that is not a wife is rape. However, this law applies to residents of North Sudan, where rape is punishable by death, but, under the same law, a man does not require consent from his wife to have sexual intercourse. The Penal Code of 2003, customary law governs South Sudan. Criminal Act, 1991, 39 of The Penal Code, 2003 specifies that consent cannot be given by a woman under fear of injury or misconception of fact. Secondly, a person who with unsound mind cannot give consent and thirdly, a person under the age of sixteen cannot give consent (Frank and Moss, 2017).

Resolution 1820 (2008) Adopted by the Security Council, on the 19th June 2008, states, that Sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and expresses its readiness, when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence.

The term SGBV encompasses a wide variety of abuses that includes sexual abuse, threats, exploitation, humiliation, assaults, molestation, domestic violence, marital rape, incest, involuntary/forced prostitution, torture, trafficking, insertion of objects into genital openings, rape and attempted rape. It also includes female genital mutilation (FGM) and other harmful traditional practices such as wife inheritance, dowry-related violence, domestic abuse, forced early marriage, which substantially increases maternal morbidity and mortality, constitute forms

of SGBV against women which cannot be overlooked nor justified on the grounds of tradition, culture or social conformity. Leatherman (2011) describes the term Sexual and Gender Based Violence (SGBV) likewise as physical, sexual and psychological violence against both the men and women that happens inside the family and the group which has a sparing and social viewpoint to it (Leatherman, 2011).

Subsequently, amid war and armed attacks, women and girls encounter SGBV from numerous sides. These incorporate armed groups, peacekeeping forces, families, police, regular citizen authorities, government authorities, rebels and as of late there have been reports of sexual abuse by humanitarian staff and the abuse of humanitarian help for sexual favours purposes in West Africa and Democratic Republic of Congo (DRC)(Bwiza, 2012).

Cohn (2013) states that the historical connotation of rape, is conquest and reward for the men who won in war and as a gendered weapon of war it is as old as war itself. Nonetheless, numerous researchers have delineated that SGBV particularly assault as a type of exploitation is the cruelest to women amid furnished clash and war since it focuses on their personality as abenefits and property of their social orders, dignity and both their productive and reproductive roles. It holds the whole groups prisoner monetarily, socially and inter-generational effect where women cannot get to water-locations or for instance to the markets; compromises the security of children going to school and invigorates vicious cycles of revenge (Cohn, 2013).

Moreover, according to Douglas (2013) SGBV is additionally perceived as a private issue, both within and beyond armed conflict on the grounds that in numerous social orders where it happens, sex is thought to be a taboo along these lines making it hard to talk about and express the shades of malice of this demonstration and because of a paranoid fear of humiliation. As a type of brutality, it incorporates physical, mental, efficient and social since women's bodies

and status turn into a battleground for the individuals who utilize terror as a strategy of war (Douglas, 2013).

Leatherman (2011) states that as a gendered weapon of war,it happens in numerous settings for instance refugeewomen escaping war are raped by border guards, refugee camps official, rebels, family members and others who hold power over their escape. A considerable measure of studies demonstrate that casualties have encountered rape by insertion of objects such as, umbrellas, kindling, sticks and batteries in their genitals(Leatherman, 2011).

Consequently, Ali (2010) argued that SGBV principally rape is present and predominate in all types of armed conflict be it ethno-religious/nationalist drive, resource/opportunistic drive or secessionist/autonomy driven conflict. That is why in armed conflict systematic rape is a weapon of war that often destroys the foundations that hold societies together such as the family or identity (Ali, 2010). Hence, according to Lahai, (2010) the use rape is to humiliate women and destroy communities constitute only part of the threat to social stability because the ways women are raped in war distorts social norms and in this way, threatens social and cultural integrity."

> "In Liberia, for example sexual abuse formed part of the war strategy of Charles Taylor's NPFL: in the case of the NPFL, rape was specifically elevated to a central position in its intimidation tactics and exercised as a tool of coercion and terrorism…In mid-1993, an excerpt of a radio conversation between Taylor and his field commander, John T. Richardson, was clear as to its purpose. Taylor is heard giving orders to Richardson, who had surrounded a displaced persons centre in Harbel and Kakata, to shoot 'at anything that moves'. Questioned for clarification as to what to do with the civilian populace, Taylor retorts, '…if you have men among them, chop them, and for the women, rape them. To hell with them!" (Lahai, 2010).

Thus, SGBV as a strategy of war simply is inexpensive than bullets or modern weapons since one can basically utilize objects rather and exact torment and cause destruction. Therefore,

we can assert that war is being feminized in light of the fact that it is pursued on human bodies specifically women. The reason as to why researchers such as Price (2010) emphatically contend that in the event that we are serious aboutthe venture of propelling human security, at that point we should start with ladies' security including, most fundamentally, the privilege of women to be sheltered from gender based and sexual violence amid the wars of men (Price, 2010).

2.1.2.1 THE EXTENT OF RAPE AS AN ACT OF GENOCIDE

According to Leatherman (2011) during armed conflict, distinctive groups are predisposed contrastingly by brutality and amongst them are women, children and the elderly. Of them all, women and children especially the girl child are mostly victimized. The significant worry for these groups is Sexual and Gender Based Violence (SGBV). Sexual Gender Based Violence (SGBV) happens amid war times as well as in peaceful times. Furthermore, after the end of the war, the effects of sexual brutality endure, including undesirable pregnancies, sexually transmitted diseases and disparagement live with the victims. Far reaching SGBV itself may proceed or even increment in the result of contention, as an outcome of instability and exemption. Combined with separation and unjust laws, sexual and gender based brutality can prevent women from accessing education, becoming financially independent and from participating in governance and peacebuilding (Leatherman, 2011).

Ali (2010) states that the accelerations of contention commonly compare with an expanded risk of sexual and gender based savagery (SGBV) in both public and private arena, mostly focusing on women and girls, additionally affecting men and boys, who identified with the women and girls subjected to this brutality. These crimes can have distressing long- term impacts in the lives of victims, their families and communities. Besides, it can be noted that armed actors have efficiently implemented sexual violence against regular people as a way to

accomplish military and political interests. Also, that is the reason in recent conflicts, innumerable women and children have been abducted into armed groups for instance the Lord Resistance (LRA) Army in northern Uganda and subjected to innumerable types of abuse, including local and sexual slavery (Ali, 2010).

Chanda, (2016) posits that rape is one of the humanitarian crises and a weapon of war in the ongoing armed conflicts. Rape is a sexual activity carried out with aggression and force, leaving the victims traumatized, while the families and communities remain mentally exploited in the process. Rape during armed conflict is used as a tactic of war to conquer the opposition and to humiliate the entire society. Organized rape during active conflict is rape by order, whereby the troops are ordered to rape and inflict harm on their victims. In this case, the aim is to ensure their victims are not capable of increasing in population either by terminating their lives or ensuring they are not capable of reproducing offspring. Rape is thereby used as a weapon to leave the victims in sustained memory of their conquest, especially when they are impregnated, or sustain life threatening illnesses such as the Human Immunodeficiency Virus (HIV) and other sexually transmitted diseases (Chanda, 2016).

There are psychological effects of rape on the victims as well and their families, which is often ignored in the narratives of rape and are not mainstreamed in intervention processes, informing its sustained long-term effects on victims and their families. This type of injury leaves the victims psychologically disoriented and deprived of normal mental abilities, thus cannot contribute meaningfully to the social and economic development of their society. Psychological injuries cannot be treated with certain medications, thus, the supplies of medical aid to war victims are devoid of medications to treat mental trauma sustained from rape (VonJoeden-Forgey, 2012).

Furthermore, the medications often supplied are for physical injuries and have been in short supply, thus they cannot meet the needs arising from the recurrent armed conflict in the Upper Nile State. The most significant challenge to the supply of medications to victims remain the firepower activities that hinder the transportation and delivery of the medicines to the affected communities and medical facilities. The manpower required is also in short supply, as many medical officers from other countries do not wish to engage in high risk activities such as armed conflict, therefore they decline jobs that post them to conflict zones to treat victims who are in desperate need of medical attention. This predicament leaves the victims in devastating health conditions, as their health collapse rapidly, leading to other forms of ailments and eventual loss of life (Deng, 2010).

There are other losses claimed by the war, such as the human capital of South Sudanese men and women who are of work-age categories. This deficit in human capital is sustained as a result of forced evictions and forced migration of work-age youth, who are high skilled and low skilled workers. These categories of skilled labor, often migrate to peaceful societies across the borders to engage in meaningful economic activities, thereby causing brain drain to their state of origin and invariably contributing to the human capital growth of the host country. This situation is known as the economic effect of war on host communities as well as its effects on the origin of the migrant.

The human capital cost of the armed conflict in South Sudan significantly threatens the potential growth of the economy of the thirteen communities in Upper Nile state due to heavy reliance on agriculture and the likelihood that the farmers, who are largely women, would not return to their farms while their families are vulnerable to attacks. Thousands of the farmers have migrated to other countries, causing food shortages and famine. Food shortages are also on the

rise, due to the dilapidated conditions of the farms and the insecurity that surrounds it. Many farms, however, have turned into beds of land mines while in other cases, farmers have dropped tools for weapons to protect their households.

The collapse of the public institutions is also due to lack of a legitimate authority to oversee official operations in all government agencies and industrial sectors. This situation contributes to the weakness of South Sudan and the failure of the government to operate as a sovereign state, which has obligations to its citizenry. The most operational agencies are within the Melut Basin either operating legitimately of illegitimately in the oil and gas industry.

The Upper Nile State comprises of several oil blocks located in the Melut Basin, operated by both militia and foreign oil corporations. The oilfields have been mostly occupied by militia who engage in illegal crude oil bunkering and exportation. The stolen cargo is then shipped to illegal markets and sold beneath global market price, which contributes to both the fall in oil prices globally and the rise in transnational criminal offences, as the proceeds of the crime is expended on weapons for the sustenance of the war. Some of the proceeds have been laundered in neighboring markets, such as the real estate market of Kenya and other countries.

Since the discovery of oil and gas as commodities for state revenue, the global oil market has become attractive to transnational criminal organizations as some of the criminals have laundered their illicit wealth in the oil and gas industries. Their activities have resulted in the fluctuation of global oil prices and illegitimate circulation of foreign currencies in producing states, where their activities have largely undermined the financial institutions. Due to the high investment capital of exploration and shipment of crude oil, the stakeholders often collaborate with financiers to fund their operations.

In particular, the sponsors of illicit oil bunkering operations ensure that the conflict does not de-escalate by supplying small arms and light weapons (SALW) to the militia who protect their loot. The militia have also adopted the strategy of inflicting terror on the lives of indigenes of the oil regions, to ensure they do not return to the land or lay claims of ownership to the territory in the nearest future. This strategy is systematic and widely used by the government troops and the various militia groups operating in the Melut Basin.

2.1.2.2   THE TYPES OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV)

Moser and Clark (2001) posit that Sexual and gender based violence can be characterized in various ways: for instance, by reference to the circumstance in which it happens, if it was at home or away, by the personality or qualities of the casualty that is whether it is a woman, girl, child or a man, and additionally by the personality or attributes of the culprit whether it was perpetrated by arebel, militia, civilian, humanitarian personnel, or government army. There are different types of SGBV which include: rape which is most widely recognized, forced prostitution, forced pregnancies, infected with sexually transmitted illnesses, for example, HIV/AIDS, sanitization, exploitation and mutilation (Moser and Clark, 2001).

2.1.2.3   THE CAUSES OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV)

Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri (2004) suggest that there are multiple causes of sexual and gender based violence that occurs in times of peace as well as in armed conflict. In conflict situations, SGBV may be politically motivated for example mass rape is used to dominate or sexual torture is used as a method of interrogation. It is used to humiliate, terrorize and destroy a woman's dignity and integrity. It may result from long-

standing tensions, feuds and the collapse of traditional societal support. For instance, in situations in which the refugees are considered to be materially privileged compared to the local population, neighboring groups may attack the refugees (Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri, 2004).

Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri (2004) add that lack of mobility such as in situation where women may have to travel to remote distribution points for food, water and fuel; their living quarters may be far from latrines and washing facilities. Their sleeping quarters may be unlocked and unprotected. In addition, lack of security and protection due to lawlessness also contribute to an increase in sexual and gender based violence. For example, police officers, military personnel, relief workers, camp administrators or other government officers may themselves be involved in acts of abuse or exploitation (Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri, 2004).

Moser and Clark (2001) mentions that the social level, the social construction of gender roles and relations which is reinforced by the pre-war gender stereotypes and gender structural inequalities might lead discrimination and objectification of women in societies. It is because of some socially constructed notions such as women are weak, vulnerable victims that need to be protected that make them at risk and easy target of SGBV. Meanwhile, an economical situation that can lead to SGBV is when faced with limited livelihood opportunities, many women and girls are forced to turn to commercial and transactional sex. This in turn leads to increased risk of HIV exposure, as well as chances of passing on the infection more broadly (Moser and Clark, 2001).

Therefore, Arrehag, De Vylder, DurEvall, and SjöbLom (2006) state that the use of sex as a survival strategyand bargaining tool, with its attendant HIV risk, is also well recognized in conflicts, particularly where forced displacement has occurred because as in conflict settings, destitution, displacement and loss of livelihoods and income as a result of rapid-onset disasters place populations, and in particular women and girls, at risk of sexual exploitation and of having to have sexin order to gain access to basic needs such as food, water and security. (Arrehag, De Vylder, DurEvall, and SjöbLom, 2006). According to Lahai (2010) another cause of SGBV is set by pre-war domestic conflicts and violence that is characterized by: (a) the political acceptance of violence as a means of sustaining patriarchy, and the subordination of women and the 'other' men, and (b) the continuum of violence feeds into the war mentality, and often contributes to the systematization of wartime Sexual Gender-Based Violence (SGBV). He further says that in Sierra Leone, for example, the Truth and Commission found that the persistency of pre-war violence made women think that reporting domestic violence to 'outsiders' exposes 'family secret'. Consequently, a culture of silence was created which spiraled out of control when war erupted in 1991 (Lahai, 2010).

2.1.2.4 THE REASONS FOR SEXUAL AND GENDER-BASED VIOLENCE (SGBV)

The perpetrators of SGBV are often motivated by a desire for power and domination. Therefore, they use this type of violence for the purpose of intimidation, degradation, discrimination, punishment, retaliation and demoralization. As a means of torture like other forms of torture, SGBV is often meant to hurt and control, while violating a person's physical and mental integrity. It seeks to humiliate, terrorize and destroy a woman based on her identity as a woman. Also, scholars such as Kelly (2010) put forward that SGBV is a tool to subjugate populations, instill fear, curtail movement and economic activity, stigmatize women, undermine

community and family structures, contribute to bonding of perpetrators through the common act of rape, and in some cases, deliberately pollute the bloodline of the victimized population.

Besides, the protector versus protected dichotomy discourse illustrates the reasons why women are targeted (Carpenter, 2013). According to Stur (2011)this is so because in many societies the identity of the woman is pegged on the identity of the man and also the men as the protectors have the responsibility to protect their women who should be protected. Therefore, when women are targeted by the enemy men it is a way of attacking the identity and role of men and sending a message of the failure of men in their role of protecting their territory and identity. Through this analysis we see the process of feminizing conflict by using women either as the weapon and ideology to inflict violence and the breaking of the discourse of protector versus protected (Stur, 2011).

Byman (1998)posits that as tool of terrorcampaign, it has been used to commit genocide, ethnic cleansing and as a means of eradicating a particular group from an area or simply to make them to leave and never to want to come back for example in Rwanda and Former Yugoslavia. SGBV has been used in Rwanda, Liberia, Sierra Leone, Balkan, Chechnya, Uganda, Kuwait, East Timor, Vietnam, Indonesia, Sudan, Angola, Mozambique, Colombia Somalia and Kenya (during the 2007 post-election violence). More recently, it has been reported that an average of 40 women are raped every day in South Kivu, Democratic Republic of Congo as a result of the conflict (Byman, 1998).

According to Herzfeld (2014) by raping women who represent the purity and culture of the nation, invading armies are also symbolically raping the nation itself and creating power relations imbalances. Also, it is a way to make a mark such as making babies of certain tribes or

ethnic group and to prove to the men on the enemy's side that they cannot protect their women thus a shaming the protectors on their failure to protect. All these have been done to stain women's identity, gender and prevent them from fully joining the reconciliation and the peace processes in their countries. It is also designed to drive women from their homes or destroy their possibility of reproducing within and for their community. By attacking women there is lack of power to protect oneself and the power to attack (Herzfeld, 2014).

There is a cultural significance of raping "enemy" women, women of a different race, ethnicity, religion or political affiliation. In many armed conflicts,several women were raped because of their affiliation for example their husbands were political figures (Turshen, 2000).Therefore, women are raped by their enemies as messengers of the enemy. Rape is used to cause the deliberate erosion of a people and their culture. As a tool to strip women of their economic and political assets it has been among the strategies men use to wrest personal assets from women (Turshen, 1998). Unfortunately, SGBV has been used to infect women with diseases such as HIV/AIDS.

Another phenomenon of the new wars is that SGBV has been used to recruit women into the rebel movement or militia. For instance, Lahai (2010) informs that in Sierra Leone, Liberia and DR Congo, forced recruitment took two forms: physical abduction and the use of mass rape (which forms part of the military strategy of the rebel forces) to send a message to women that their safety is interdependent on joining the rebellion. However, in recent post-cold war armed conflicts civilians in general, and women have been treated as bounties of war and exploitable resource. Also, sexual violence has been used as part of combat operations engendering an atmosphere of personal responsibility through strong accountability mechanisms for individual action Kelly(2010). Kelly recommends that all parties involved should stop committing,

condoning, and promoting sexual violence as part of combat operations and the legal system should carry out appropriate punishments to enforce restraint of violence policies (Kelly, 2010).

MacKinnon (1994) argues that human rights are not women's rights, noting that women are segregated by rights, as such; an act committed against a man is a violation of his human rights, whereby, the same act committed against a woman is an act against her gender or origin. MacKinnon (1994) mentions that rape during war is an act of genocide, citing the case of thousands of Croatian Muslim women who were raped by UN troops in exchange for aid during the Serbian war in 1992. She posited that rape atrocities during war has not been considered as violations of human rights in any part of the world. She also states that genocidal rape is a form of ethnic conquest, since rape places the victim under the control of the rapist (MacKinnon, 1994).

Russell-Brown (2003) posits that rape as an act of genocide signifies the objective it was set out to achieve, which is to kill, to force the victims out of their land and to make them wish they were dead. He further narrates that the rapist is ordered to carry out the gruesome act and does sonot as a result of being out of control or opportunity. In his narration to express the act of rape as an act of genocide, he mentions the historic case of Prosecutor v. Jean Akayesu, in the Rwandan Tribunal of 1998, where rape was first defined as an act of genocide, and the defendant was found guilty of crimes against humanity and rape as an act of genocide. He further mentioned that the Rwandan tribunal highlighted that certain women of certain ethnicity were raped, as such the categorization, distinction, separation and selection process prelude the rape activities (Russell-Brown, 2003).

According to the Akayesu's judgment, rape was not a sexual activity, it was a weapon to terminate classified and distinct members of a group, ethnicity or religion. Another dimension of rape as an act of genocide was revealed in the Rwandan genocide, whereby people living with HIV were ordered to rape women and girls, to ensure they eventually die of the disease or spread it to members. Although rape as an act of genocide was intended to kill the victims in the African cases in South Sudan and Rwanda, the main objective in Bosnia was to forcefully evict the victims, as the rapist impregnated the victim to allow the expansion of his lineage, hence, the victims is ostracized for not being fit to continue to procreate for her community (Prunier, 2008).

According to Wood (2006) rape is used as a weapon of war, in the view that it breaches the laws of armed conflict and it is crime against humanity as defined by the International Criminal Court (ICC) and International Criminal Tribunals for Rwanda and Yugoslavia (ICTRY). He further mentioned that with attention to the Geneva Conventions, grave breaches include, inhuman treatment, severe injury to body or health. According to Article 27 of the 4th Geneva Convention, "women shall be especially protected against any attack on their honor in particular, against rape, forced prostitution or any form of indecent assault." However, rape does not appear to be a grave breach in any of the four Geneva Conventions (Wood, 2006).

According to Scheffer (2013), rape has been used to advance the agenda of a party in conflict over the other, he mentioned that women were used as vessels of hatred in the government sanctioned violence of South Sudan civil war. He addressed the functions of rape as a war tactic and the continuous justification of rape. He stated that the sociocultural explanations for mass rape is due to the cultural norms about gender and sexuality, social dominance and power and social identity. He noted that not all rape is carried out in similar manners, if the woman belongs to a family of political activists or combatants, then the offence was committed

to hurt the family of the woman who was raped. He indicated that the Red Cross had documented several rape incidences by the Serbian police implemented as a punishment towards Bosnian women who were relatives of Kosovo Liberation Army. Scheffer(2013) went further to state that female opposition members are often targeted and raped for their vocal activities.

Galvin (2010) states that socio-biological argument that all men tend to use their inhibitive power over women especially using sex as the medium of domination, however he notes that not all men would rape a woman. He states that men use rape to overpower women because women tend to be subdued. In explaining cultural norms about sexuality, he argued that for as much as a woman becomes the property of a man when married, her honor still remains in her virginity, as such when she loses it to rape, it may hinder her from finding a partner, hence rape is not excused, adding that it brings similar dishonor to the family as rape would (Galvin, 2010).

Vandiver, Braithwaite and Stafford (2016)cited the ancient Babylonian Code of Hammurabi, whereby married women who are raped and those who commit adultery must be stoned to death, hence, the perpetrators use rape as an indirect means of reducing the population of their targets. He added that the ideas behind dominance culminated from the sexual orientation of people, whereby the society is socialized to believe that women are softer and men are harder, hence, using strength to classify the woman as a weak being. In effect, during armed violence, the weaker being are raped as a form of conquest (Vandiver, Braithwaite and Stafford, 2016).

Brownmiller (2013) defined rape as the nonconsensual sexual activity of a man who was inferior to the husband of the victim, whereas, psychoanalytical explanation argued that rape

is a deviant behaviour exhibited by abnormal people, stating that dominance and control is the contributing factor responsible for rape. He claims that forced nakedness and female genital mutilation are other forms of rape (Brownmiller, 2013).

2.1.2.5 THE CONSEQUENCES OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV)

Briere and Jordan (2004) sexual and gender based violence has acute physical, psychological and social consequences. Survivors often experience psychological trauma, depression, anxiety, terror, guilt, loss of self-esteem. They may be abused by the perpetrators and also rejected by spouses and families, ostracized, subjected to further exploitation or to punishment. They may also suffer from forced prostitution, abduction, domestic violence, discrimination, divorce or separation,frustration, boredom, alcohol and drug abuse, and feelings of powerlessness, forced pregnancy/unwanted children, infected with sexually transmitted diseases (including HIV), trauma to the reproductive tract, and chronic infections leading to pelvic inflammatory disease and infertility. Also, Due to the impact of SGBV, survivors may avoid things, places, thoughts and/or feelings that remind them of the assault and generally avoidance of social life or place where SGBV occurred. Therefore, making what was known becomes unknown, what was safe, unsafe and what was familiar becomes unfamiliar and leading to breakdown of traditional social structures (Briere and Jordan, 2004).

Lahai (2010) provides statistics saying that apart from killings, women are victims of systematic sexual and gender based violence (SGBV) in all conflicts in Africa, for instance in the Ivorian conflict, it was reported that many women were victims of sexualized violence, in Darfur since the war started thousands of women were raped, murdered and uprooted from their communities, in Kenya 256 incidents of rape and sexual violence in 2004 in the Dadaab refugee camp vicinity alone and in Sierra

Leone between 215,000 and 250,000 women are victims of war related rape. Emphatically, these statistics are an underestimation of the victims of SGBV because women prefer not to report out of fear and stigma (Lahai, 2010).

Concerning the consequences of SGBV, Omanyondo (2005) stated that there are serious and potentially life-threatening health outcomes with all types of SGBV. She pointed out that there are three major consequences which 1.include physical and reproductive onsequences such as: injury, diseases, gastrointestinal problems, infections, gynecological disorders, unwanted pregnancy, menstruation disorders, pregnancy complications, sexual disorders, unsafe abortion, miscarriage, and etcetera.;2. emotional and psychological consequences including post-traumatic stress disorders, mental illness, suicidal thoughts and behaviors, shame, insecurity, self-hate and self-blame, and etcetera.; 3. social consequences including social stigmatization, social rejection and isolation, loss of roles/functions in society, the blaming of the victim, feminization of poverty and increased gender inequality, and etc. She further argues that all these consequences have resulted to the increase of maternal morbidity.

Moreover, the consequences of SGBV continue to disturb the victims and often lead to many health problems. A large percentage of women who experienced SGBV are still suffering from psychological and disturbances. In most instances, victims of SGBV did not seek medical care because of fear stigmatization and rejection by family or community members, lack of health facility and because of war. In addition, survivors are not going to hospital due to lack of confidentiality and empathy (Omanyondo, 2005).

2.2   INFECTIOUS DISEASE EPIDEMIC DURING WAR

War deteriorates the health of a society, due to the dilapidation of health facilities as a result of overwhelming use of those facilities and inaccessibility or total dysfunctionality of the health facilities (Berendes, Lako, Whitson, Gouldand Valadez 2014). There are other situations where the medical equipment wears out, without hope of replacements. Donor countries and humanitarian agencies are weary of the war, as there are no plans to de-escalate the war. Ceasefire agreements bring hope, as there is a window of opportunity to supply medications to the interiors, while the ceasefire lasts. The worst humanitarian offences have been committed in South Sudan, leading to the discovery of new motives of the war, as well as the revelation of the actors in active play (Berendes, Lako, Whitson, Gould and Valadz, 2014).

Hosking (2006) suggests that the security of the medical officers is also compromised by the situation as both militia and victims of the war are patrons of the health services. As much as the victims are treated alongside the injured militia, not many of the victims are capable of accessing hospitals and mobile clinics. The recurrent armed conflict restricts victims from accessing adequate health care, which results in the spread of infectious diseases (Hosking, 2006).

Ruach (2015) posits that the militia groups operating in the Upper Nile region often dump dead bodies in the Nile river, which is largely responsible for the contamination of the Nile and the spread of diseases along its tributaries (Ruach, 2015).

According to the World Health Organization (2016), there has been an outbreak of visceral leishmaniasis, also known as kala-azar, a disease spread by sand flies, which is characterized by irregular bouts of fever, substantial weight loss, swelling of the spleen and liver and anemia. The health body mentioned that if the disease is not treated, the casualty rate in South Sudan can be as high as 100% within 2 years (Al-Salem, Herricks, and Hotez, 2016).

According to the World Health Organization (2016), there are many reported cases of cholera, malaria, measles and hemorrhagic fever. Reported cases of Malaria reached close to two million in 2016. The epidemic has depressed the health of the communities to the extent that, it was declared an outbreak in Bentiu camp, where internally displaced persons are taking refuge. The global health organization also mentioned that over 1600 measles cases have also been reported including 19 deaths countrywide, and around 182,000 children have been vaccinated against measles.

2.3 THEORETICAL FRAMEWORK

The theories that are most applicable to this study are; Greed versus grievance theory and feminist theory. Greed versus grievance theory reflects the greed of the militants and the government in seizing the oil rich locations for their selfish-enrichment. The government and the militants compete with fire-power over the control of the oil rich communities, killing thousands of civilians.

2.3.1 GREED VERSUS GRIEVANCE THEORY

The greed versus grievance theory combines opposing arguments whereby, the greed argument states that armed conflicts are caused by a combatant's' desire for self-enrichment and competition over valuable natural resource rents. Grievance theory argues that relative deprivation and the grievance it produces fuels conflict. In this case study, the combatants' desire to secure the oil wells by displacing the inhabitants of the surrounding communities and ensuring they never return to their homeland relates to greed theory. However, the grievances produced as a result of forceful evictions, killings and rape, fuels conflict (Murshed and Tadjoeddin, 2009).

The proponent of greed theory is Paul Collier, while the proponent of grievance theory is Frances Stewart. Paul Collier assumes that states with abundant mineral resources are bound to go to war, as the elite in a society are in constant competition over revenues accrued from natural resources. Greed theory assumes that the activities of rebels are always in their self-interest, to acquire material wealth. The rebels live in mountainous regions for safety. According to Stewart, the main causes of conflict are political, economic and social injustices and inequalities between groups and individuals (Collier and Hoeffler, 2004).

Grievance theory is sub-divided into three parts; the first is Relative Deprivation, which is the disparity between what is believed and what is achieved, an example is getting a university Degree and not getting a job after graduation. the second is Polarization, this is when inequality is experienced in culturally oriented societies are polarized according to their ethnic identities. The third is Horizontal Inequality, which is between groups where religion, ethnicity, linguistic differences cause conflict. Horizontal inequality is revealed in discrimination, economic mismanagement, grievance due to resource rents. Grievances are also revealed in self-determination, religious, political and ethnic diversity, ethnic cleansing/genocide, economic insecurity and unemployment (So, 1986).

2.3.2   FEMINIST THEORY

Another theory applicable to this study is the Feminist theory. Gat (2008) suggests that male supremacy is dominant in South Sudan, due to endemic cultural orientation of all the ethnic groups within its territory. This pattern of supremacy over the women allow for men to subdue the women whenever the need arises. The roles women play in South Sudan are culturally

different from the roles men play in time of peace, hence their contribution to the social and economic development of the state is different. Gender roles also differ in armed conflict, as the impact of the war affects them differently.

Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri, (2004) put forth that,women and girls are mostly victims of rape, and end up as trauma victims, whether they get treatment or not. However, boys and men lose their limbs during war time, which affects their engagement in social and economic activities when peace resumes.

The dominance of men over women in a patriarchal society such as South Sudan influence the way the men perceive women in terms of strength and economic relations. The men are accustomed to assuming that they are the stronger gender, hence are able to overpower women when the need arises. This assumption is always adopted during war, whereby men overpower women to achieve the incidence of rape, hence, the general assumption that the strength of the woman is unequal to the strength of the man, arising in inequality which reflects in every aspect of the society (MacKinnon, 1989).

This theoryaccording to Alcoff (1998) focuses on the oppression and injustice meted on women by men in the society, it reveals the experiences women and girls face. In relation to this thesis, feminist theory addresses the social situations women face in their communities. It also focuses on the subordination of women;therefore, it advocates for an end to sexist oppression and exploitation. Feminist theory addresses patriarchy, which is an endemic issue in South Sudan, as women have been socialized to accept that men are higher in hierarchy to them and they are meant to be subservient to men (Alcoff, 1998).

Millett (1970) claims that due to war several men who are heads of households have become redundant, hence become frustrated, depressed, and lack the strength to cater for their

families through substitute income avenues. She further elaborates that a high number of men have reportedly committed suicide as aneffect of their incapacity to fulfill their roles as heads of their families, therefore, as anoutcome of shame and the humiliation that follows it, they end their own lives. Suicide has claimed more lives amongst men than the war itself. Women however are more resilient, as the culture allows them to be vulnerable (Millett, 1970).

2.4   CONCLUSION

Previous literature has addressed the Civil War in South Sudan, violation of Human Rights, atrocities, the discovery of Oil fields in South Sudan and has ignored the roles played by the oil firms in the initiation and sustenance of war, hence are not able to ascertain whether they played a role in financing the war or not. Existing literature is also devoid of assessing the caliber of weapons deployed by the private security facilities of the oil firms, which is necessary in understanding the depth of damage they are capable of causing. Therefore, altogether marginalizing the impact of the civil war on the women of Upper Nile State in South Sudan.Sexual brutality, for example, rape is a security concern since it significantly influences not just the wellbeing and security of women and men, additionally the economy and social dependability of their countries. It is additionally hard to accomplish human security when women are subjected to SGBV. That is the reason rape is likewise perceived as a component of the crime of genocide when submitted with the aim to destroy, in entirety or to some extent, a particular group.

Given that there are new forms and more use of SGBV in conflict, thus there is an urgent need to and strategically prioritize women's protection by ensuring their integrity holistically. This can be done by promoting HIV/AIDS program for the victims, and encouraging women

activism before conflicts occur. In other words, we should not wait for the problems to happen because simply prevention is better than cure.Another important strategy is to educate and empower both men and women.

Since women claim their rights from men then when you educate and empower men on women rights then you automatically empower women.Meanwhile, at the societal level demystifying sex; reconstructing and renegotiating flexible gender roles should be paramount. Moreover, there is a need to fully involve women in peacebuilding, sexual violence prevention and punishment should be viewed as an obligation, not an aspiration therefore it is critical to engage and consult them in all measures taken on their behalf. Besides, there is a need of emphasis on the women's capacity/potential as peace builders by including them in peace process and post-conflict reconstruction.

CHAPTER THREE: WOMEN AND WAR IN UPPER NILE STATE IN SOUTH SUDAN

3.0   INTRODUCTION

Since World War II, 250 International wars have taken place, which alongside imperious administration exploitation. Wars have delivered a gauge of one hundred and seventy million casualties and other broad harmful outcomes. Around 90% of the individuals who lost their lives in current war casualties are civilians, for the most part women and their children,which is in contrast in relation to a century back when it was military staff. Among the procedure with aversions of war and abominations, there is an overlay extra severity that happens with more

noteworthy violence and recurrence to towards women and girls. Females are ordinarily raped, subjugated and executed (Bassiouni, 2007).

South Sudan has experienced decades of civil wars and during this period of wars sexualviolence has been used by both State Military and Militia groups as a weapon of war, of which most these victims of sexual violence wartime, sexual violence is such asrape or different types of sexual savagery submitted by the State Military and Militia soldiers amidwar, however now and again, especially in ethnic clash, the wonder has more extensive psychological thought processes, says Münkler, (2005). Wartime sexual brutality may likewise incorporate group rape and rapeusing objects. It is recognized from rapes and assault submitted among troops in military service. It likewise covers the circumstance where girls and women are constrained into prostitution or sexual servitude by a possessing power (Askin, 1997).

Amid war and violence, rape is frequently utilized as a means of psychological warfare in order to humiliate the enemy. Wartime sexual violence happen in an assortment of circumstances, including standardized sexual servitude, wartime sexual savagery related with particular fights or slaughters, and individual or confined demonstrations of sexual brutality. Rape can likewise be perceived as genocide as well as ethnic cleansing, when conferred with the intentionto destroy, in whole or in part, a targeted group; however, rape remains widespread in conflict zones. There are other international legal instruments to prosecute perpetrators, but this has occurred as late as the 1990s (Lindsey-Curtet, 2001).

3.1 WAR AND SEXUAL GENDER-BASED VIOLENCE IN UPPER NILE STATE IN SOUTH SUDAN

Undoubtedly, during the period of war women and children are the most affected bysexual exploitation and abuse (SEA), issubsequent and compounds women in

war.International Committee of the Red Cross (ICRC) survey notes that, the social marks of shame, social or religious states of mind, passionate injuries, physical abuse and authentic exemptions have made rape an astonishingly viable weapon of war and obliteration. Further, the failure of UN and other peacekeeping organizations or the International Law during period of war has also contributed to circumstances surrounding women as victims of rape and sexual exploitation and abuse (SEA).

ICRC (2001) notices that women should be shielded from all types of sexual violence, or dangers thereof. While both men and women can be subjected to sexual violence, it is women and girls who are prevalently predisposed by violence, hence, these can result to unwanted pregnancy, abortion, forced prostitution, sexual slavery and maternal mortality. Forced impregnation andforced maternity are particular breach that affectwomen and girls (ICRC, 2001).

Gardam and Jarvis (2000) states that the appraisal of the necessities of the regular citizen populace with an emphasis on women, because of getting to be casualties of sexual violence in circumstances of furnished clash or inner aggravations. Moreover, the way that numerous ladies in equipped clash circumstances are held up by the group as emblematic and the bearers of the group's respect increases their defenselessness (Gardam and Jarvis, 2000). The holding up of women as representative bearers of position, ethnic or national character can expose them to the danger of violation.

As per ICRC (2001), the broad incident of rape in the midst of war has pulled specifically consideration and has been viewed as straightforwardly identified with the position of women in groups as bearers of social personality. The rape of women in war circumstances is expected as

violence against women, as well as a demonstration of hostility against a country or group. Sexual violence is an especially pitiless act.As observed by to ICRC (2001), people affected by war or countries still at war from 1999 till date has one of every nine respondents that new an individual who had been sexually assaulted and about the same number of about one of nine of the respondents knew someone who had been sexually violated. Hence, in review to these facts sexual violence has been utilized against women or individuals. At the point when solicited to review their recollections from war, the women's answers were commanded by particular instances of sexual assault. Sexual violencehas been utilized against women or individuals from their families as a type of torment, to harm, to remove data, to debase and scare, and as discipline for actual or emotionalactions (ICRC, 2001).

Moreover, rape has additionally been utilized as a strategy for "ethnical cleansing", a method of spreading fear and convincing individuals to their homes and communities and through far widespread and adopted method of rape has also been used as a method of desecrating the image of an ethnic community. Sexual violence has additionally been conferred in especially twisted courses – before relatives, including children, with vindictive wounds, for example, the slicing of breasts. Such strategies have without a doubt been utilized on the both women and men. A few women do not survive the sexual brutality committed against them, however, no insights are available on such fatalities (Taylor, 2010).

Rape and different types of sexual violence have regularly been viewed as a product of war, either as a reward for State military and Militia groups or in light of the breakdown of conventional as well as institutional instruments for keeping its event. The way that assault wrongly been perceived by some as an unavoidable piece of war may have added to its turning into a standard and especially savage methods for violating women. The regularly open way in

which sexual violence is incurred on its casualties, suggests that the culprits trust their activities will be overlooked or see themselves as resistant from responsibility (Taylor, 2010).

Moreover, women might be not able or hesitant to report such infringement since national establishments have separated or on the grounds that doing as such may exposewomen further Taylor (2010). In many societies, the "disgrace" related with assault is in a social sense saw as far more atrocious than the physical demonstration itself. Over the years, several journals articles and books (Notar, 2006; Murray 2003; and Prince Zeid of Jordan UN Report (2005) have discussed at length the impact of sexual exploitation and abuse during war time. For instance, United Nations Population Fund (UNFPA) think about in camps for Kosovan outcasts and a Ministry of Health, UNICEF and UNFPA consider in the Democratic Republic of the Congo. However, of recent the ongoing conflicts in Africa and other parts of the world, have seen a growing number of women and children as been the most affected and utilized means of fighting. armed conflict, it has regularly been accounted for that particularly and deliberately focusing on women has been utilized as a strategy for fighting.

Rape and sexual violence has been utilized to attest predominance over your adversary. Since womens' sexuality is viewed as being under the security of the men of the group, its debasement is a demonstration of mastery declaring control over the men of the other group or gathering that is under attack.Women who fear, or have been subjected to, sexual brutality may look for unions, particularly through sexual relations, with individuals from the military as a technique for acquiring security or help (DuBois and Gordon,1983). Women should be shielded from seeking such organizations together as their exclusive methods for security.

In one of its reviews, the ICRC (2001) found that officers had approached ladies for sex, offering minimal expenditure or a tin of sardines consequently. Women regularly looked for such collusions as an approach for securing insurance and help for themselves and their families, liking to have minorperiod who might offer them assurance and help than gambling being subjected to rehashed violation by numerous men (DuBois and Gordon, 1983). Also, ICRC (2001) additionally express that women ought not to be subjected to mishandle or violence submitted by gatherings to an armed conflict or by peacekeeping forces sent to ensure or uphold peaceful understandings (ICRC, 2001).

Reports from journal articles and media forums depict that of recent times between 1999 to date peacekeeping operations identifying with late peacekeeping operations have referred to occurrences running from badgering to beatings, assault, sexual abuse, murder or general victimization nearby women and children. There have been reports containing claims of rape and inappropriate behavior by peacekeepers, and asserted complicity in sexual mishandle executed by crowd to the dispute. These abuses are purportedly simultaneous with the landing of peacekeeping troops, just like a sharp increment in prostitution (including child prostitution). A United Nations reports by Prince Zeid Ra'ad Zeid Al Hussein states that six of the 12 nations which had been major contributors of peacekeeping troops has been related with a fast ascent in tyke prostitution." In Mozambique in 1992, for instance, "Joined Nations Observer Mission warriors enrolled young ladies matured 12 to 18 years into prostitution" (Zeid reports, 2005).

Peacekeeping and peace-enforcement personnel, like other arms bearers, andhumanitarian workers must receive instruction and training in international humanitarian law and human rights law, with specific reference to the protection of women and children, and must comply with these laws.To date, this responsibility has lain with the national authorities sending the troops

and not all countries are equally cautiousand thorough in the training they give on the matter. The ICRC likewise gives guideline in worldwide humanitarian law to peacekeeping powers in numerous nations. Inquiries have been raised with respect to the degree to which the United Nations and other peacekeeping powers are bound by the arrangements of worldwide compassionate law.

The ICRC has reliably contended for a wide approach, and sees worldwide humanitarian law as material when UN contingents depend on constrain, regardless of whether in peacekeeping or peace-implementation operations (ICRC, 2011). In 1999, the UN Secretary-General authoritatively proclaimed a Bulletin on the, "Recognition by United Nations strengths of worldwide humanitarian law". In its initially segment, it expresses: "The crucial standards and guidelines of global humanitarian law are material B. Security. Sexual savagery II. Evaluation of the necessities of the regular citizen populace with an attention on women 53 to United Nations strengths," leading operations under United Nations summon and control. This UN Bulletin particularly restricts, "rape; authorized prostitution; any type of rape and embarrassment and debasing treatment; oppression".

Women ought to trust in the forces present to secure them. Assessments of peacekeeping missions have regularly uncovered that groups made up of the two women and men have demonstrated more compelling than groups involving couple of women or none (IRCR, 2001). Despite such confirmation proposing that the nearness of women in peacekeeping operations makes great relations with nearby groups, and that ladies exiles would want to talk about their encounters with female soldiers as opposed to male soldiers, the incorporation of women in military, police and regular citizen parts of peacekeeping operations is insignificant (Pratt, Werchick, Bewa, Eagleton, Lumumba, Nichols and Piripiri, 2004).

Whenever women or girls have been subjected to sexual violence they require both security, to keep it from happening again and fitting help to treat any physical and mental outcomes. Women and girls confront the dangers of sexually transmitted illnesses, physical injury or now and then even mutilation, pregnancy, premature delivery, menstrual issues and mental injury, wounds or diseases and psychological wellness issues. Where rape brings about pregnancy, women require support to manage the physical and social repercussions. Some may wish to end the pregnancy or might be compelled to do as such by their families or groups or by need. This might be illicit or socially inadmissible in a few groups or nations. Women may find that they are compelled to cover their pregnancy or may endeavor to do self-actuated fetus removal or to submit suicide, as they are anxious or hesitant to look for medical offer assistance. There are many components that add to this dread (Chrisler and Ferguson, 2006).

Survivors of rape or sexual brutality are face with a lot issues such as threat from culprits and fear of being stigmatize confront promote issues, for example, shunning or requital, what's more, the culprits may have disclosed to them that in the event that they report the violation they, or their families, will be subjected to advance violence (Chris and Ferguson, 2006). This is particularly the case in exceptionally customary or patriarchal groups, where significance is put on the immaculateness and modesty of ladies; unmarried ladies and young ladies may never again be viewed as deserving of marriage by their families and group and wedded ladies might be dismissing by their spouses and families (Calder, Card, Cudd, Kraemer, MacLachlan, Miller and Tirrell, 2009).

Moreover, as express by several authors and journal articles or books that the survivors of sexual violence's in a few social orders may likewise have higher chances of being blamed for infidelity, prostitution as well as expediting shame on the family and these are viewed as

wrongdoings which might be deserving of detainment or potentially capital punishment. Notwithstanding, causing individual physical and mental enduring, assault might be seen to convey shame to the lady and result in minimization of both her and her family. Its efficient utilize can bring about the demolition of the social texture of the oppressed group. Over and over again, rape victims cannot get sufficient restorative administrations in crises, unless there is a quick lifesaving reaction required.

3.2   INTERNATIONAL LEGAL MECHANISM FOR THE PROTECTION OF WOMEN IN WAR TIME

The expanding familiarity with the need to address women and gender' issues inside the worldwide legal structure, has prompted the improvement of different records and dialogues about the subject, ending in 2000 with the reception of United Nations Security Council Resolution 1325 (UNSCR 1325), the primary UN report to expressly address the part of women in peace forms and the specific difficulties confronted by women amid struggle and post-strife stages (Westendorf, 2011).

Besides, Westendorf (2011) reports that since 2008, four further Women, Peace and Security resolutions have been passed by the UNSC to expand and reinforce components of the prior resolutions, in light of UNSC acknowledgment that advance in executing UNSCRs 1325 and 1820 was moderate. In 2009 UNSCR 1888 based on UNSCR 1820, and required the arrangement of a Special Representative of the Secretary-General on sexual violence in struggle, and to set up Women Protection Advisors inside UN peace operations, a fast organization Team of Experts to react to circumstances of sexual brutality, the creation of a yearly report giving data

on culprits of sexual viciousness in clashes and the possibility to draw in sanctions boards of trustees on the issue of sexual viciousness (Westendorf, 2011).

3.3   CONCLUSION

Since the establishment of the United Nations (UN) and the years of war the world has experienced, women alongside children has been depicted to have felt the impact more than any other gender. The high rate and reports of women and children suffering from sexual exploitation and abuse by both states military, militia groups and of recent United Nations peacekeeping force is overwhelming. Several human rights outlets such as amnesty international and human right watch have reported several cases of human right abuse on women and children in South Sudan.

Several International mechanisms have been put in place to tackle sexual exploitation and abuse by various actors of war. However, despite all these efforts it still hasn't done much concerning the rate at which women are raped and sexually exploited during the period of war and warfare. Nevertheless, the continuous increased of sexual violence against women in war and post war era is an abuse of human right that needs to be urgently address by both United Nations and its peacekeeping mission initiative. To this end, a successful implementation of policies and applicability of International Law is needed to combat sexual exploitation and abuse in time of war and after war especially in Africa.

CHAPTER FOUR: GENERAL CONCLUSIONS

4.0   CONCLUSION

The research was descriptive, as it was adesktop research of the experiences of women and girls, but not limited to their plight, as it also highlighted the significant contributions from the government and foreign investors in the Melut basin. Chapter two focused on the plight of the women, the armed conflicts, but largely ignored the influence of the foreign oil firms operating in the region. The alliances of these investors are also significant to the dynamics of the conflict, as they are obliged to fund the militia groups protecting their oil facilities. Also, the Scholars reviewed ignored the proliferation of small arms and light weapons and itsimpact on the ongoing war, as well as its International impact on neighboring countries.

Chapter one highlighted the geographical location of Melut County and its hydrocarbon deposits in how the Melut basin became the primary source of war between the government and the people of the Melut communities. The chapter identified the oil investment origin as a contributing factor to the formation of several militia groups, as the Arab owned oil firms are protected by their own armed security, who are in constant armed conflict with the residential communities who are fighting for the protection of their land and preservation of their ethnicity.

Furthermore, chaptersone and two revealed that ethnic tensions that arose with host communities as a result of land use for farming, grazing, health hazards, social tensions and as communicable diseases are on the rise, claiming more lives per day and depressing the health situation in the host communities. Chapter one, further showed the impact of war on support agencies. The intervention medical agencies were in shortage of medication, especially due to the sudden rise of migrant children, mostly infants who were already malnourished and suffered from numerous infections.

The armed conflict began in the Melut basin when the government of South Sudan and Sudan issued prospecting licenses to the American owned multinational crude oil corporation,

Chevron to explore oil in the Melut basin. On its discovery, the government mandated its troops to drive out the inhabitants and ensure they never return to the Melut basin. In carrying out these orders, the troops began to kill all those in sight, as well as rape the women and girls in such manner that destroys their reproductive organs and ensure they are incapable of reproducing offspring that would lay claims of ownership to the oilfield.

Before the independence of South Sudan, the government of Sudan led by President Al Bashir, issued controlling shares to Qatar's Gulf Petroleum Corporation (60% shares), operating two oil blocks 3 and 7. National Islamic Front (NIF) which owns 20% financed by Mohamed Abdullah Jar al-Nabi and Suda-Pet (20% shares) whose security details are in constant battle with the indigenes of the Melut basin over land use and land rights.

This research found out that the government of Sudan began the forceful eviction of indigenous people of oil rich communities, especially the vulnerable indigenes of Melut, such as women, girls and the ailing population, using state military to inflict life threatening harm to them, especially raping women and girls. The evictees became migrants in neighboring Countries and counties that are less volatile, thereby contributing to endemic issues in the host community, such as diseases, land disputes and cattle rustling.

The extension of oil prospecting licenses to oil corporations in the Arab League, insinuates the entrenchment of President Al Bashir's interest in the ownership of oilfields through his allies. The original oil firm who discovered oil in Melut basin, was an American multinational corporation, Chevron, whose priority objective is to extend United States foreign policy, wherever they are operating. However, due to the warrant of arrest issued by the International Criminal Court (ICC) on President Al Bashir, the relationship between them went sour and interest shifted from the Americans to the Arabs.

The investment interest was not isolated in the shift, but became complicated when the oil rich Melut basin, became part of the new nation of South Sudan. The new government had to contend with the allies of President Al Bashir who owns most of the oil fields in Melut region. The confusion erupted, as the oil firms were not in agreement with the government of South Sudan, hence there was a risk of maintaining business relations. The new nation of South Sudan had to craft a new partnership agreement with Sudan to ensure it did not lose its investments. However, the growth of militia around the Melut basin, became a source of concern to the communities in the Upper Nile State, due to the rise in insurgency andlack of employment for the youth, as a result of the prolonged war. The lack of sustainable economic activities in the war zone, led to severe malnutrition, poverty and famine. The militants used this vulnerable situation to lure the youth to insurgency, as they could neither attend school nor participate in any economic activity that could to generate income for the family.

The growth of militia in the Melut basin signifies that there are many other sponsors of the ongoing war with various agendas and sources of weapon supply. It also shows the weakness of the state in protecting its citizens. The sources of this weakness are not devoid of international influences and the allowance of the sale of Sudanese crude oil in the international market despite grave humanitarian offences committed by the state military. The humanitarian offences committed also contribute to the migration pattern and the dumping of dead bodies along the Nile increase the vulnerability of the Nile River to conterminous and communicable diseases.

Moreover, the rape incidences carried out by the State Military and various Militia groups in Upper Nile State of South Sudan is suitably described by Russell-Brown (2002), who states that rape unto death is rape asgenocide, thus constitutingcrime against humanity. Women are the reproductive members of the society; hence, they are the engines of population growth for any

society. If they are executed, the society will become extinct, therefore their protection is required for continuity of any society. The ordeal women and girls face in South Sudan has indicated the nature of rape carried out on them, as most of the victims never survived the incidence.

Several International Covenants condemn the atrocities committed in South Sudan, such as the International Convention for the Prevention and Punishment of the Crime of Genocide defines 'genocide' as the killing of members of the group, causing serious bodily harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group. All these atrocities were committed by the troops of the government of South Sudan, as well as the various militia troops in combat within Melut basin.

Article 01 of the Universal Declaration of Human Rights (1948) states that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. These rights have been violated by the military who commit crimes against humanity on their own citizens, in whom they should be protecting. Article 3 of the Universal Declaration of Human Rights also state that everyone has the right to life, liberty and security of person. The rights of the citizens of South Sudan are continue being abused.

Article 1-3 of the Convention on the Political Rights of Women (1952), entrenches equality of men and women without discrimination, while performing civic duties such as voting andholding public offices. The International Covenant on Civil and Political Rights (1966) Article 6(1) posits that every human being has the inherent right to life. This right shall be

protected by law. No one shall be arbitrarily deprived of his/her life. However, the protection of people in South Sudan has been undermined and the law enforcement agencies have been compromised, leading to the vulnerability of persons to insecurity and threats totheir life. This has resulted in the forceful migration of citizens to neighboring nations as refugees, especially to Kakuma refugee camp in Kenya. In addition, after independence the citizens of South Sudan thus far have not enjoy the right to vote.

The International Covenant on Economic, Social and Cultural Rights (1966) Article 3 states that the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant. The war in South Sudan is not devoid of endemic social and cultural deficits, whereby, the various communities are entrenched by patriarchal order and hierarchy, such that women are not meant to enjoy similar privileges as their male counterpart, whether in economic, social or cultural milieu. This predicament is itself contradictory to the fundamental rights of women as enshrined in the International Covenant on Economic, Social and Cultural Rights (1966).

The Declaration on the Elimination of All Forms of Discrimination against Women (1967) states that violence against women constitute violations of fundamental rights and freedoms of women and therefore nullifies their full benefits. Furthermore, the inequality in power relations between men and women leads to domination, a prerequisite tendency inherent in men, allowing them to subject women to vile treatments. Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)states that women and children suffer victimization during armed conflict due to suppression, aggression, colonialism, racism, alien domination and foreign subjugation. The Declaration specifically prohibits attacks and

bombing of civilian populations. Article 1 prohibits the use of chemical and biological weapons on civilian populations, on the other hand Article 2 and Article 3 requires States to abide by the Geneva Protocol of 1925 and the Geneva Convention of 1949. The Declaration also requires countries to take measures to end persecution, torture, punitive measures, degrading treatment and violence especially when they are targeted against women and children, as well as recognizing imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings, and forcible evictions as criminal act.

The 1949 Fourth Geneva Convention on the Protection of Civilian Persons in Time of War entrenched the protection of women during war, and especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any other form of indecent assault. The Convention on the Elimination of All Forms of Discrimination against Women (1979) Article 2(e) takes all appropriate measures to eliminate discrimination against women by any person, organization orsexual and gender based violence (SGBV) has become deeply entrenched in many countries culture through rites and traditions that are not only physically and psychologically are harmful but also instill the perception that women are objects to be used, abused, or misused in armed conflicts. Therefore, the perpetrator of SGBV should be punished and the definition of crimes such as rape should be broadened to include rape by both objects and human actions. Furthermore, domestic violence as a form of SGBV needs to be recognized as systematic and wider spread in conflict and post-conflict situations.

Despite increased focus on the causes and consequences of SGBV in conflict, as evidenced by the adoption of UN SCR 1820 and 1888, the implementation of meaningful measures to address the problem is still lagging. An effective response to SGBV in conflict requires political will and commitment from the highest levels at the United Nations and in

individual Member States but also from the communities experiencing SGBV as well. This further requires coordinated efforts of international, regional, national and local actors to strengthen security sector institutions, justice systems, social networks and to promote gender equality. Moreover, the International Community should enforce all countries to ratify international legal mechanism to fight against discrimination of women and include them in their national legislation**.**

4.1   RECOMMENDATIONS

Thefollowing are some of the recommendations that the thesis offers.

- This research recommends that the International Community should attend to the crimes against humanity committed in South Sudan and prosecute the offenders, in orderto allow justice to prevail in the society. The government troops have committed these offences; therefore, the government is responsible for their actions.

- This research recommends that the International Community should sanction the government of South Sudan to enable ceasefire and allow for the resumption of peace.

- This research recognizes the need for further studies to investigate the relationship between President Al Bashir and the National Islamic Front (NIF), which controls 20% oil share, financed by Mohamed Abdullah Jar al-Nabi, Gulf Petroleum Corporation, which is owned by Qatar, controls the majority shares of 60% of the crude oil revenues of South Sudan.

- This research recommended that States purchasing crude oil from South Sudan shouldbe sanctioned. The purchase of South Sudan or Sudan oil should be discouraged entirely by oil markets. The oil revenues are not spent on the people it was meant for, rather, it is

used in buying weapons that kill them. Therefore, the International Community should place embargo on arms trade on South Sudan, due to the interdependence of the conflict in the Upper Nile State and oil investments.

- This research recommends thatthe State of South Sudan should be isolated by the international committee until they resume peace.

- This research recommends that the international community should place an arms embargo on South Sudan as well as Sudan, to ensure, no weapon was purchased by the two nations. The shipment of arms should also be monitored on the international waters, especially outside the corridors of the economic exclusive zones, where smaller boats are used to transfer the weapons from the cargo ships, on shore.

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