

**BRIEFING** | FEBRUARY 2020

# “Like the military of the village”

## Security, justice and community defence groups in south-east South Sudan

**In much of the world, security and justice are mostly provided not by formal bodies, such as state police services or judiciaries, but by informal, non-state actors.<sup>1</sup>**

**Meanwhile, international donors invest millions of dollars in funding to reform and strengthen security and justice provision in conflict-affected and fragile contexts.<sup>2</sup>**

**To be relevant and effective, such support must be informed by an understanding of which actors and institutions are actually fulfilling security and justice functions. Critically important is the extent to which they are considered to be effective, legitimate and accountable by the people they purport to serve.**

This briefing examines how state and non-state institutions (including armed community defence groups) interact in their responses to different types of violence and insecurity in Torit and Kapoeta, in what was formerly known as Eastern Equatoria, in south-east South Sudan. It focuses on violence and insecurity related to South Sudan’s civil war, intercommunal conflict and gendered violence.

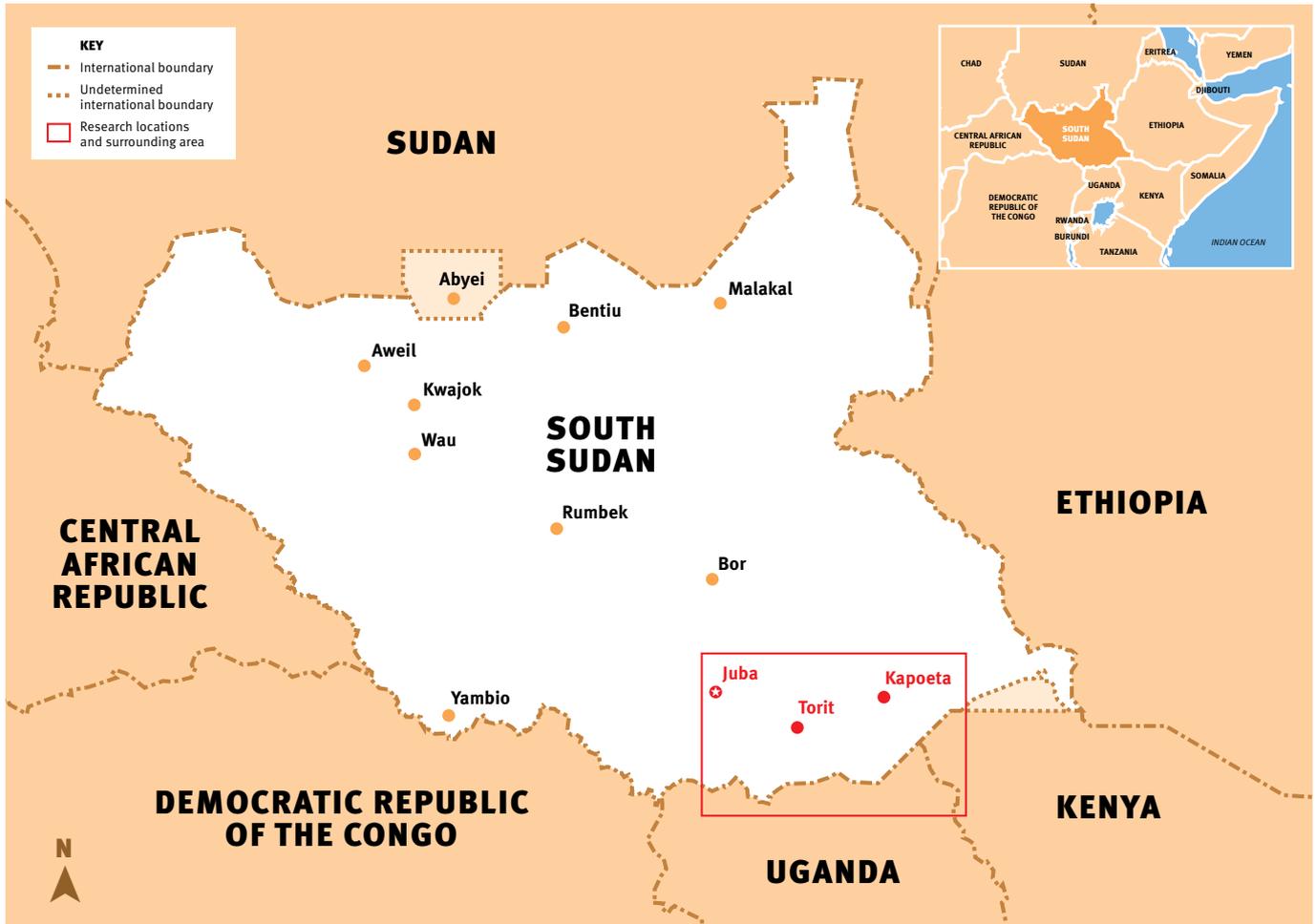
The findings, conclusions and recommendations of this briefing, albeit focused on specific research locations, are meant to stimulate debate and inform renewed efforts to improve people’s security and access to justice in South Sudan, as well as to inform wider policy and practice around engaging with plural and hybrid security and justice systems.

This briefing is drawn from a detailed report of the same name.

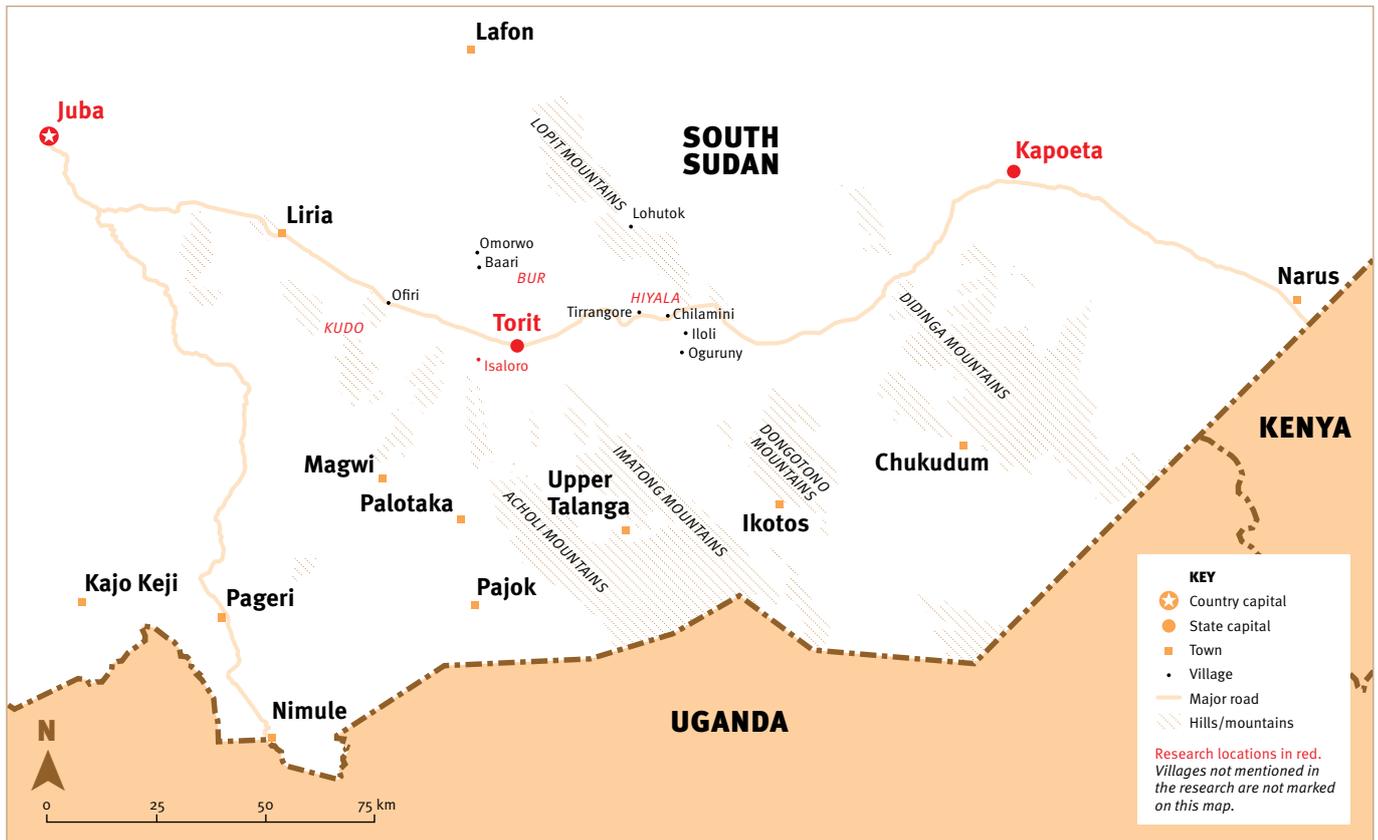
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# Hybrid security and justice in South Sudan

South Sudan’s history – both pre- and post-independence in 2011 – has largely been characterised by instability and conflict. The civil war that started in December 2013 displaced approximately 4.5 million people and is estimated to have caused 383,000 deaths, including 190,000 killings, by April 2018.<sup>3</sup> A revitalised peace agreement signed in September 2018 halted fighting in much of the country but there have been major delays in its implementation, particularly the security arrangements, and the future of the agreement is uncertain at the time of writing.<sup>4</sup>

After Sudan’s Comprehensive Peace Agreement was signed in 2005, a number of international donors and institutions invested in security sector reform in southern/South Sudan.<sup>5</sup> The nature, scale and impact of the crisis that has unfolded since 2013 highlights the failure of those investments. In addition to the civil war, smaller and more localised conflicts have been commonplace in South Sudan and continue to claim lives and disrupt livelihoods. As conflicts lead to growing grievances and widespread feelings of injustice and insecurity, it is increasingly important that people are able to address their concerns through effective justice and security mechanisms.

Providing more effective support for improved security and justice in South Sudan requires understanding who the significant actors are and how existing systems function (or do not function as may be the case). Security and justice institutions in South Sudan generally take a hybrid form. The lines between state and non-state, formal and informal, civilian and military, and traditional and modern, are blurred or non-existent.

As part of the Peace Research Partnership (PRP),<sup>6</sup> Saferworld and its South Sudanese partners conducted research in Torit and Kapoeta between November 2018 and March 2019 (in what was formerly Eastern Equatoria State) to deepen understanding of the extent and nature of security and justice provision there. The research also explored gendered dimensions of violence and how gender norms pervade both formal and informal security and justice systems.

South Sudan’s constitution and laws officially provide for a hybrid justice system by integrating statutory and customary law<sup>7</sup> and by specifying a role for traditional authorities. Statutory courts often apply customary law to resolve disputes, and customary courts may cite official statutes when making their judgments. But while hybridity is accommodated in South Sudan’s legal system, justice is also hybrid in a different, more chaotic sense, as a consequence of people improvising and adapting justice processes in a context of very limited state resources or regulation.<sup>8</sup>

The security sector is also a hybrid system given the wide range of armed groups that operate in South Sudan, ranging from organised forces that can be deployed anywhere in the country (such as military and police) to community defence groups that have a much more localised remit.

Armed community defence groups play a major role in local security provision, but also in intercommunal conflict, particularly in rural areas. Outside towns, the state is too remote and too poorly financed, ill-equipped and under-staffed to be able to provide much protection to communities or to respond promptly to violent attacks or theft. Corruption in the administration of policing and justice also undermines people’s confidence that state security and



The late Augustino Odong (deceased October 2019), a landlord (customary leader) of Isaloro, December 2018.

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justice providers will act impartially. As most communities cannot rely on the state for protection, they often take responsibility for protecting themselves. Armed men take preventive measures – guarding property and livestock, and conducting patrols – to protect communities and their assets. They are also the first to respond to incidents such as animal theft or child abduction, typically by tracking, pursuing and confronting perpetrators.

However, the armed groups that defend their communities are often also involved in hostile acts targeting neighbouring communities, such as cattle raids and revenge killings. In some parts of the country, the level of violence between communities has escalated to the extent that conflicts can be described as ‘communal wars’ with hundreds or even thousands of casualties.<sup>9</sup>

Across South Sudan, a diverse range of customary institutions and practices shape how communities govern themselves and how security and justice are provided by non-state actors. In and around Torit, community defence groups are organised according to the *monyomiji* system, where ‘age sets’<sup>10</sup> of young to middle-aged men assume responsibility for the governance and security of the community for specific time periods. The *Monyomiji* are described locally as being “like the military of the village”<sup>11</sup> or “like the army in the society”.<sup>12</sup> They do not operate in complete independence or isolation from government institutions; rather, their relationship with the government tends to be negotiated. Government officials sometimes direct or support *monyomiji* to carry out local security functions, which can involve government provision of ammunition.

# Security cooperation between community defence groups and national conflict parties

Some community defence groups have played a prominent role in South Sudan’s civil war – which started in 2013 – as is documented in Saferworld’s 2017 *Informal armies* report.<sup>13</sup> This study found that other groups, such as the *monyomiji* in ethnic Otuho areas of (former) Eastern Equatoria where this research was conducted, have been less actively engaged in national conflict. Although some individual members may have joined the recent rebellion against the government, the *monyomiji* as a collective avoided being drawn into the fighting between the Sudan People’s Liberation Army in Opposition (SPLA-IO) and the government on either side.<sup>14</sup> *Monyomiji* were able to resist and deter indiscriminate attacks by government forces, reportedly because they were well armed and organised and had clear lines of communication with the state and county government in Torit. Meanwhile, by abstaining from collectively joining or sheltering the armed opposition, the *monyomiji* for the most part were able to avoid government counter-insurgency attacks, and the associated targeting and looting of civilians that sometimes come with the attacks.

The *monyomiji* have played an important informal role in local confidence building and security cooperation between the government and armed opposition. Hybrid arrangements to secure roads evolved in Torit and the surrounding areas, involving cooperation between *monyomiji*, the state government and the SPLA-IO. These were initiated prior to the signing of the revitalised peace agreement and were possible in part because both government officials and SPLA-IO members share a common identity as *monyomiji*, which made it easier for them to meet informally. While the South Sudan People’s Defence Force (SSPDF) and the SPLA-IO agreed to control their troops and to return fugitives who entered each other’s territory, *monyomiji* patrolled the roads. Government and SSPDF officials openly acknowledged to the research team that they had provided *monyomiji* with ammunition for their patrols.

“**The *monyomiji* have played an important informal role in local confidence building and security cooperation between the government and armed opposition.**

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At the time of this research, international ceasefire monitors – who were facilitating dialogue between the army and the SPLA-IO and conducting monitoring and verification missions<sup>15</sup> – were not engaging with *monyomiji* and did not seem to be aware of their role in securing the roads. This suggests a gap and a disconnect between international support to the formal security arrangements of South Sudan’s peace process and how security is being managed in reality on the ground.

The cooperation between *monyomiji*, the SPLA-IO and the state government in Torit is an example of hybrid security cooperation that was perceived as effective and legitimate both by communities and authorities. It demonstrates how the provision of security can depend on and be enabled by localised dynamics and informal relationships, and can involve informal institutions of which international observers may be unaware.

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Watchtower built by a *monyomiji* age-set group upon assuming power in 1998, Murahatiha, Hiyala, 1999.

© Simon Simonse



SPLA-10 soldiers, Isaloro,  
December 2018.

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## The role of community defence groups in intercommunal violence

The relationship between armed community groups, such as the *monyomiji*, and the state tends to be more antagonistic in relation to intercommunal conflict, where communities mobilise violently against one another. The *monyomiji* are usually the first responders to cases of raiding or livestock theft. In the absence of state security provision, when armed community defence groups respond to intercommunal attacks, these often escalate into cycles of revenge killing. Chiefs and customary leaders, while present in communities, generally have limited influence over armed youth to prevent or stop violence once it starts. When such conflicts escalate to a level that local leaders cannot manage, they sometimes seek government support.

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Government authorities typically use threats and coercion to stop fighting, retrieve stolen animals or to arrest suspects. While this use of state power may be effective, it is often seen to be biased and lacking legitimacy in the eyes of communities. Communities also lack confidence in state justice provision through the courts, and so prefer local resolutions or violent retribution.

Intercommunal violence is addressed inconsistently. Blood compensation – the payment of cattle and other assets to the family of a deceased person – is the traditional means by which associated conflicts are resolved and the cycles of revenge killing brought to an end. However, there can be tensions between this method of resolving conflict, which focuses on preventing further violence, and securing justice for individuals in line with the law. The state may try to resolve intercommunal conflict through hybrid mediation processes, which include government officials, customary leaders and civil society organisations. There are also inconsistencies in how cases of killings are addressed. Formally, all intentional killings should be handled by the police and courts. While some intra-communal killings are referred to the police, others are mediated locally and settled with compensation – while others involve killing of the perpetrator in revenge, which in some cases is acknowledged by the affected population to be an acceptable settlement.

# Gendered dimensions of violence, security and justice

South Sudanese society is characterised by profound gender inequalities. As well as underpinning much of the violence in the country, gender norms affect both how women and men experience violence differently, and their inclusion in the institutions, formal and informal, that provide security and justice.

Despite national legislation on gender equality and efforts to increase women’s participation in all spheres of life in the country, deeply patriarchal gender norms persist. These often discriminate against women and contribute to continued exclusion of women from most positions of power, decision-making and dispute resolution. In the research areas, women can and do occasionally assume the customary role of landlord, and there are a small number of women involved in local courts, but they are completely excluded from the *monyomiji* and barely represented in official government positions.<sup>16</sup>

Although hybrid justice processes appear to include women more than local customary processes, and the lives of men and women are typically equally valued in terms of the amount of compensation required to be paid if they are killed, these systems too are characterised by gender inequality.

Patriarchal norms contribute to sexual- and gender-based violence (SGBV), including rape. Intimate partner violence was widespread in the research areas, and was often regarded as normal or something minor to be handled within the family. Early and forced marriage are common. Girl child compensation, a practice where an underage girl is provided to the family of someone killed as a form of restitution (in place of cattle), is still in practice in the research areas despite government and civil society campaigns to stop it.

A culture of impunity surrounds intimate partner violence and other forms of sexual violence, and is worsened by the stigmatisation and opposition women face when speaking about or reporting such incidents. While the state claims to uphold international norms and protect women, the formal justice system is typically underequipped, remote, costly and unreliable. The result is that if women do experience abuse, they are most likely to seek justice through family or customary community mechanisms, which tend to reinforce gender inequalities in how they deal with such cases and in the resulting outcomes.

The practice of ‘bride price’, in which a man’s family pays a woman’s family to secure a wife, is associated with women’s lack of decision-making and agency, and is thought to contribute to SGBV. It effectively turns women into property that men and their families have purchased, and it reinforces men’s beliefs in their entitlement to discipline and punish their wives physically. It also discourages women from leaving abusive marriages, as their family would then be expected to repay the bride price to the husband’s family.

The need to raise cattle to pay bride prices is also widely recognised as a factor contributing to intercommunal conflict and violence, as it drives men to raid neighbouring communities and steal animals. Notions of masculinity that encourage men to participate in fighting and cattle raiding, and which shame them when they do not do so, contribute to conflicts and violence between communities and to violence against women inside and outside the household.



Research focus group with women, Torit, March 2019.  
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# Recommendations for more inclusive approaches to security and justice

Security and justice are fundamental human needs, and the provision of security and justice is essential in any society – especially those affected by conflict. When seeking to support more effective security and justice provision, it is important first to map the existing range of security and justice actors and to understand the different systems in operation (including the histories of these systems and the motivations, resources and constraints of the actors involved). There needs to be a strong understanding of who is providing security and justice in a particular context, how they are delivered, who benefits and which groups are excluded. Understanding how different systems function (or don't) provides a starting point for designing strategies and interventions to support more effective, inclusive and legitimate security and justice provision.

This research focused on the former Eastern Equatoria State in South Sudan. The findings reveal how community defence groups – notably but not only the *monyomiji* – play a central role in the provision of security and justice at the local level, and how they can be seen as the primary providers. The following recommendations address the prospect for external actors to engage with the *monyomiji* and comparable community defence groups, and explore the associated risks and opportunities. They also highlight the gendered drivers of violent conflict in South Sudan, structural gender power imbalances including the exclusion of women from both formal and customary security and justice systems, and the importance of supporting a more inclusive and gender-transformative approach that analyses and addresses the root causes of conflict and gender inequalities. Lastly, they identify priorities for support in the justice sector.

There are common security and justice challenges across South Sudan, but there is also significant variation according to location. These variations are the result of a number of factors, including: the relationships between government, armed opposition groups and communities; the different social and cultural norms and practices of the various tribes; the extent to which conflicts between communities interact with national political conflict; and the scale of past or current violence. As a result, different challenges and opportunities present themselves depending on location. Strategies to improve people's security and justice must be informed by, and respond to, these local dynamics.

The particular dynamics identified in the areas of former Eastern Equatoria where this research took place inform the following considerations for more inclusive security and justice programming. While these recommendations are intended to be relevant across the country, local contextual dynamics must be taken into account when exploring whether and how they could be implemented or adapted elsewhere in the country. With this caveat, the authors hope these considerations will be useful for security and justice programming in other contexts characterised by state fragility, a history of protracted conflict, and the presence of multiple formal and informal security and justice actors.

## Balancing support for national and local security and justice systems

### **Beware reinforcing elite exploitation of national security sector reform processes**

The political economy of national security arrangements and security sector reform in South Sudan has been described by the London School of Economics' Conflict Research Programme as characterised by elite manipulation of external support to strengthen their patronage networks and enrich themselves personally. In relation to the 2018 Revitalised Agreement for the Resolution of the Conflict in South Sudan (R-ARCSS), the Conflict Research Programme's analysis found that the signatory parties were using the cantonment process stipulated in the agreement's security arrangements as an opportunity to recruit additional forces to build up their military capabilities in case the war resumes, to access financial resources through salaries and disarmament, demobilisation and reintegration (DDR) packages, and to increase their political influence and patronage networks. This was described as '(at best) a vehicle for corruption and (at worst) a means of facilitating a new war', increasing the number of organised armed men who could be mobilised in response to future political disputes. The same analysis asserted that 'There is no realistic prospect of any force integration for the foreseeable future'.<sup>17</sup>

### **Investment in national reform processes should be complemented by support for local systems**

While not all will share such a bleak view of prospects for security sector reform in South Sudan, the risks of investing all external support in national-level government institutions are all too clear. At the same time, prospects for the success and sustainability of the national peace process are far from certain. Given these risks and uncertainties, plus the fact that non-state actors provide localised security and justice for much of the population, international donors and policymakers should consider complementary strategies that focus on enhancing security and justice provision as it currently exists at the local level, rather than focusing support solely on ambitious plans to build a national unified security and justice system. This could entail engaging with and building on informal systems where they are demonstrated to be effective, and supporting local actors seen as legitimate – including, in some cases, community defence groups. In this way, international donors and policymakers could help sustain and strengthen the provision of security and justice from the bottom up.<sup>18</sup> This should include challenging the gender inequalities associated with these systems and the gendered drivers of conflict, and enhancing women's protection and responses to gender-based violence (GBV) – making sure to involve women throughout the process.

### **Assess the role of community defence groups in confidence and security building, and in the peace process**

Such an approach requires a nuanced analysis of the roles of community defence groups. Some groups in South Sudan have been directly involved in the national conflict, have fought alongside or on behalf of the government and armed opposition,

and have committed serious human rights abuses. However, in other cases – as with the *monyomiji* in former Eastern Equatoria – community defence groups have resisted being drawn into the national conflict. As armed actors with an interest in (and influence on) the local security situation, community defence groups are important security actors who should be taken into consideration by external parties seeking to support the ceasefire and security arrangements related to the peace process. In the case of the *monyomiji*, this is particularly crucial given that they play a central role in implementing local security arrangements agreed between the government and armed opposition.

Sometimes community defence groups have become a channel for confidence building and cooperation between warring parties when there are common security interests, such as – in the case of this research – ensuring free movement along the roads or tackling child abduction. Membership of traditional structures and identities, such as the *monyomiji*, can be shared across opposing armed forces, providing a channel for cooperation that cuts across political and state or non-state lines. These structures can also provide an entry point for dialogue between the parties to the civil war, should other more formal channels break down.

External support for confidence- and security-building measures in South Sudan, such as ceasefire monitoring, needs to take these sort of local dynamics into consideration, acknowledging the role of community defence groups and potentially engaging with them, even if they are not formal parties to the peace process. However, in any given location this would require assessments of the capabilities, interests and alliances of community defence groups – keeping in mind that dynamics vary across the country and change over time. The following section considers the risks and the opportunities of engaging with community defence groups in South Sudan.

## Engaging with community defence groups: risks

### Risk of disrupting functioning local security arrangements

Any external engagement with informal systems, such as community defence groups, should be informed by a granular understanding of local security dynamics. There is a risk that external support for local security arrangements could distort the incentives of the different groups involved, and overly formalise or politicise systems that appear to work in part precisely because they are informal. Security cooperation between the SSPDF, the SPLA-IO and the *monyomiji* in the Torit area likely benefited initially from not being associated with a formal political process, being based instead on dialogue between local government and armed opposition outside the official negotiations.

Therefore, where informal local initiatives are seen to be helping improve people’s security or have the potential to do so, the risks and benefits of external support should be carefully weighed up. It is important to avoid undermining local initiatives by changing participants’ perceptions about how they might benefit and generating competition – for instance by introducing material incentives, or by raising their profile in ways that might increase their political exposure and inhibit engagement.

### Community defence groups in relation to the government

One South Sudanese analyst describes how community defence groups pose a dilemma for the government: ‘To support them as extensions of its security apparatus risks outsourcing a dangerous enterprise to entities that are not constrained by the central command and control of the national army. To disband

them or fight them as they become sources of insecurity risks further militarising community-state relationships. Their removal also risks creating a security vacuum that the state is currently fundamentally unable to fill’.<sup>19</sup>

The approach of the government in Torit has been to support the *monyomiji* as an extension of the security apparatus by providing them with ammunition and coordinating with them in relation to securing the roads. This has contributed to improving security in the area, according to a wide range of research participants. However, there are obvious risks in increasing the amount of weaponry in circulation, particularly in the absence of formal oversight of or accountability for how it is used, and without measures for tracing weapons or ensuring safe storage.

### Risks relating to integration of community defence groups

Chapter 2 of the R-ARCSS provides for all signatory parties’ forces either to be integrated into the state security apparatus or to be referred for DDR into civilian society. Section 2.1.3 of the agreement requires ‘compliance’ of ‘all forces, allies and affiliates under their command or influence’, but it is unclear from the text whether integration or DDR are open to ‘allies or affiliates’, and whether community defence groups, such as the *monyomiji*, would qualify as either.

During the research period, there were no indications of plans to integrate the *monyomiji* formally into the state security apparatus. Attempts to integrate them into police or military command structures could shift accountability away from local populations and generate tensions with local norms (including in relation to how age sets assume their role as *monyomiji* and subsequently hand over power to younger generations). Furthermore, this could also potentially pull the *monyomiji* into politicised armed violence, should the civil war resume. The *monyomiji* have largely succeeded in avoiding this so far, and as a result local populations in the Torit area have mostly been spared from collective punishment by either the army or armed opposition.

### Risks of disarming community defence groups

Past attempts at disarmament in South Sudan have often resulted in a loss of life, and have had limited effect in terms of improving people’s security or reducing levels of violence.<sup>20</sup> Small arms possession undoubtedly fuels violence in South Sudan but is also a consequence of the lack of effective state security provision. Comprehensive, peaceful and orderly civilian disarmament was recommended by many participants in the research as well as by civil society groups across South Sudan.<sup>21</sup> But it will not be possible until the state has extended a degree of protection to the population, and built confidence in itself as an impartial actor – reducing the perceived need for self-defence and the associated demand for small arms.

In the absence of responsive and trusted security provision by state institutions, community defence groups, including the *monyomiji*, are unlikely to be willing to disarm voluntarily. Attempts at forceful disarmament would likely be met with violent resistance leading to loss of life, further erosion of trust in the state, and increased vulnerability of people living in affected areas (as has been the case with previous disarmament initiatives). Some armed groups have reportedly launched rebellions against the state specifically in order to obtain jobs and income through anticipated integration processes, or to receive the benefits of anticipated DDR packages.<sup>22</sup>

For these reasons, neither integration into the national security forces nor disarmament of the *monyomiji* or comparable community defence groups is advisable, at least in the short to medium term. In light of this, we look to ways of supporting the

positive role that community defence groups can play in South Sudan. This entails not just enhancing the contribution that community defence groups can make to local security, but also mitigating the risks of them becoming perpetrators of violent conflict, and extending their accountability to women and other marginalised groups.

## Engaging with community defence groups: opportunities

### Promote increased accountability of community defence groups

Community defence groups in South Sudan are most often perceived as legitimate by locals when they are closely tied to their communities, provide protection, respond effectively to security threats, and defer to community leaders and structures without abusing their power.<sup>23</sup> These criteria broadly apply to the *monyomiji* in and around Torit according to the evidence gathered in this research.

Nevertheless, the accountability of the *monyomiji* and comparable community defence groups tends to be limited by gender and ethnicity. The *monyomiji* are exclusively men, exclude women from their decision-making, and generally serve the specific ethnic sub-group of their area. Support should be given to initiatives that encourage community defence groups to acknowledge the views and respond to the security concerns of all community members, particularly women and others who are traditionally excluded from decision-making. This can include supporting participation of women and women’s organisations in discussions where decisions about security issues are made, such as in the ‘Boma councils’ – official local forums – which also integrate community defence group members that were supported by the Monyomiji Support Group coalition of non-governmental organisations and church organisations.<sup>24</sup> It can also involve working to enhance community defence groups’ and other local authorities’ understandings of gender issues and women’s concerns through training and advocacy.

### Support cooperation between community defence groups and government authorities on local governance and policing

Rather than seeking the integration or disarmament of the *monyomiji*, government authorities can benefit from the *monyomiji*’s legitimacy among communities. For example, the Monyomiji Support Group coalition initiated a process to ‘bridge the governance gap’ by including members of the *monyomiji* in Boma councils. Such an approach acknowledges the *monyomiji*’s role and legitimacy in their communities, while involving them in a more inclusive local governance process, as both women and youth are included in Boma councils. The groups also aim to facilitate dialogue and cooperation between the *monyomiji* and the government in relation to their policing functions. This sort of approach could be introduced in other areas of South Sudan to minimise tensions between community defence groups and the government.

### Support dialogue and cooperation between defence groups of different communities

Support for dialogue and cooperation between neighbouring groups of *monyomiji* or comparable community defence groups could also help to reduce intercommunal conflict. As detailed in the research findings, and as is the case across South Sudan, intercommunal conflicts all too often are a result of cycles of revenge killing, as the victims blame acts of violence or theft on

whole communities rather than individual perpetrators and then retaliate against the community instead of (or in addition to) seeking accountability for the actions of those individuals.

Identifying platforms for cooperation between the defence groups of neighbouring communities, oriented towards promoting their collective security, could help prevent the escalation of revenge killings into intercommunal violence. The Union of Monyomiji in Torit, for example, could serve as one such platform.<sup>25</sup> Such an approach would require the *monyomiji* to expand their mandate from solely protecting their own communities to providing a secure environment for multiple communities in cooperation with others. Such activity should be undertaken in a manner that does not circumvent local dispute resolution mechanisms and should be conducted in coordination with other local peacebuilding initiatives.

This research shows that the *monyomiji* of different communities have cooperated to provide a secure environment in response to shared threats, such as road banditry and child abduction. Were they to acknowledge the mutual benefit of avoiding intercommunal violence, and cooperate to prevent escalation, then they would be more likely to support accountability for crimes committed by members of their own communities against others – reducing tensions and confrontations with government authorities. It would also help instil a culture of individuals being held accountable for crimes rather than whole communities.

### Support community-based approaches to small arms control (and enhance oversight of state-held weapons and ammunition)

While civilian disarmament is unlikely to be possible in South Sudan in the short term without undermining people’s sense of security and triggering significant violence, interim measures should nevertheless be taken to mitigate the risks associated with widespread ownership and proliferation of small arms, including those held by community defence groups. Public risk-awareness campaigns promoting safe behaviours and safe storage can reduce incidences of accidents, loss or theft of firearms. Local-level initiatives can also facilitate agreements within communities, limiting where weapons are held and stored. Examples include the centralised storage, control and oversight in ‘cattle camps’ of community defence groups’ firearms, and agreements to create gun-free zones in public places, such as markets, schools, health clinics, and during public ceremonies and other gatherings.<sup>26</sup> Because the formal state forces are the primary source of small arms in South Sudan, authorities could help restrict and track weapons (including if they go missing) by putting in place registration and marking of firearms in the hands of state security personnel, as well as proper storage, dispatch management and monitoring of state-owned arms and ammunition.

## Promoting more gender-sensitive security and justice provision

### Address the gendered drivers of violence and insecurity

Social and patriarchal norms and practices are major drivers of violence and insecurity in the research areas and across South Sudan more widely. Notions of masculinity, for instance, valorise aggressive behaviour and encourage men to raid cattle from neighbouring communities. Meanwhile, the bride price system effectively turns young women into a form of currency, and leads to them being seen as the property of their husbands and as having little or no voice in decisions at family and community levels. These norms and associated practices reflect the

profound gender inequalities that characterise South Sudanese society. Violence associated with these norms and practices is exacerbated in circumstances of armed conflict, extreme poverty and food insecurity. As they are so deeply entrenched, attempts to deconstruct and change gender norms and roles are often perceived as alien to local culture and can be met with resistance or derision.

Still, however daunting the challenge, identifying and addressing the gendered drivers of violence is an essential element of improving security and justice in South Sudan. Although there have been some positive changes in gender relations in recent decades – while many female research participants affirmed their determination to redress existing inequalities – women’s experiences of safety and security are not prioritised and addressed by most security and justice actors and mechanisms, and inclusive access is one of the main gaps in the existing system. Research participants also recommended finding ways to make concepts related to gender more accessible to communities, and also suggested acknowledging that while transforming gender norms in South Sudan is urgent, achieving it will require a considerable investment over time.

A number of practical entry points were suggested by research participants. For example, initiatives that set limits on the number of cattle paid for bride price could serve as a starting point for a process of deeper reflection on the whole practice. Beyond this, there is an urgent need to create safe spaces where women and men can constructively reflect on how gender dynamics shape violence and insecurity in their localities, and to come up with practical measures to address this.

### **Provide support to survivors of GBV**

The widespread acceptance of GBV in South Sudan reflects structural power imbalances and must be challenged, including by raising awareness of its far-reaching and destructive effects. Awareness raising should be targeted and conducted in ways that are relatable for communities, and it is local women and women’s organisations who are best placed to do this. For example, research participants recommended emphasising the health risks for teenage girls of giving birth as part of advocacy efforts to prevent child marriage.

Survivors of GBV should be supported to access life-saving GBV services (such as medical care, psychosocial and other support) and the formal legal system. This means raising awareness about referral pathways and extending support systems beyond the towns so that they are also accessible in rural areas. This should also include working with security and justice actors, and ensuring a more gender-sensitive response to GBV and women’s safety and security concerns. This can include increased deployment of mobile courts as well as the establishment of Special Protection Units (with women officers focusing largely on GBV) in a greater number of police stations. Investments in the formal justice system will be required to ensure that it is adequately resourced to respond to GBV cases, and also to mitigate the risks of nepotism and corruption so that penalties are enforced and abuses do not go unpunished.

### **Strengthen women’s legal protections and access to security and justice**

South Sudanese laws need to be reformed and enforced so that they better protect women and girls. For example, section 247(3) of the 2008 Penal Code Act should be amended to allow for the possibility that non-consensual sex within marriage can be classified as rape, in line with the international criminal and humanitarian law definition of rape as ‘a physical invasion of a sexual nature, committed on a person under circumstances which

are coercive’.<sup>27</sup> Meanwhile, existing laws need to be properly enforced, such as the South Sudan Child Act 2008 section 23(1), which prohibits child marriage. New laws are also needed to strengthen women and girls’ protection from harmful practices and to ensure that their rights are upheld.

At the same time, women and girls need to be provided with much greater protection within the customary justice system. This necessitates engagement with community defence groups, and customary leaders and chiefs. Advocacy messages, and the means by which they are delivered, should be agreed as far as possible jointly with local women’s groups and with government and traditional authorities before being disseminated to communities. In Torit and the surrounding areas, for instance, civil society, government officials and customary leaders are all involved in advocating against the practice of girl child compensation. More broadly, women’s groups and women’s organisations need sustained support so that they can continue to organise, provide solidarity and advocate for change in gender norms and practices as well as local peacebuilding initiatives.

### **Support women’s participation in intercommunal conflict management**

While women are all too often those most affected by intercommunal violence, they are invariably excluded from, or under-represented in, initiatives to manage these conflicts. Women should be enabled to meaningfully participate in conflict management processes to contribute to broad conflict resolution, but also so that their specific needs are addressed. Sometimes intercommunal conflicts stem from disputes between women, for instance over access to fishing areas. Women’s participation is also important to understand how they themselves may adversely influence intercommunal violence, perpetuating harmful gender norms – such as when they encourage men to fight. The participation of women in conflict management can generate alternative approaches to peacemaking and reconciliation, drawing on their social networks and taking advantage of their different perspectives and roles in society.

### **Increase women’s participation in the state security and justice system**

Women’s participation in formal security and justice institutions should be increased, both to ensure that these institutions are more accessible to women and that women participate in and influence decision-making. Achieving this will mean promoting and investing in the recruitment of women into state security and justice institutions, both in public-facing positions and in more senior decision-making roles. Additionally, women should be supported to communicate their needs to security and justice institutions and to hold them accountable. Support to women’s organisations and civil society networks is essential towards achieving this goal.

## **Additional priorities for justice sector support**

### **Clarify the relationship between formal and customary justice institutions**

This research revealed many inconsistencies in how cases of inter- and intra-communal killings are resolved – whether through revenge, compensation agreed via mediation (with or without government participation) or through the formal justice system. South Sudanese civil society organisations from across the country have repeatedly called for clarification of the jurisdiction of the customary and statutory justice systems. This includes

clarification of the mandates of statutory and customary courts, and clarification of their roles and responsibilities. It involves clarifying the roles of the different law enforcement bodies such as the police and criminal investigations departments, chiefs and traditional leaders, and rectifying overlaps and ambiguities.<sup>28</sup>

### Raise awareness of, and increase resources for, the formal justice sector

The research revealed a widespread lack of understanding and acceptance of statutory law, particularly in rural areas. This underlines the importance of support for initiatives to raise public awareness about the content of the law, how the legal system protects people’s rights, how justice can be accessed through the formal system, and which other lawful processes are available for resolving disputes.

At the same time, there needs to be massive investment in the formal justice system if it is to become more responsive to people’s needs, to be better able to manage its caseload in a timely way, and to gain the confidence of the population. This includes resources for infrastructure, equipment, training and personnel (including women) at decision-making levels. Police, prisons and court staff all require training in the law and in the

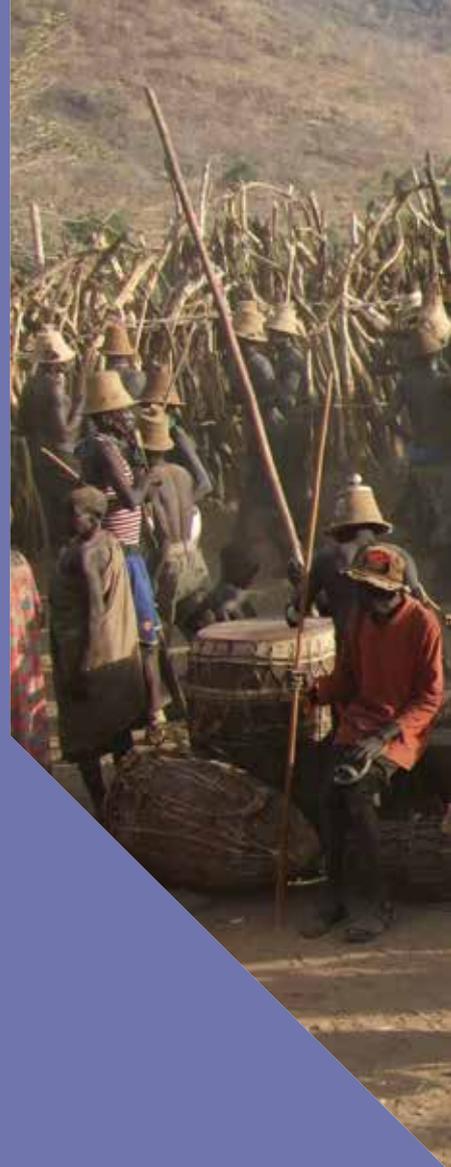
procedures that they should follow. Measures to counteract nepotism and corruption also need to be strengthened to ensure that procedures are adhered to, and that all cases are handled fairly and consistently.

The impact and sustainability of such investments and reforms will depend on a systemic change in the governance of South Sudan, requiring progress in the national peace negotiations and commitment from the country’s political leaders. Only then will the people of South Sudan gain greater confidence and trust in state security and justice provision. Until then, people in South Sudan will continue to rely on informal actors, such as the *monyomiji* and other community defence groups, to provide the security and justice they so desperately need.

In the long term, the strong hope is that the South Sudanese state becomes more legitimate, effective and inclusive. Nevertheless, there will likely still be a role for community defence groups, such as the *monyomiji*, in security and justice provision at the local level due to their cultural significance and central role in how communities govern themselves; and also given that across sub-Saharan Africa, legal pluralism remains the norm and non-state actors provide the majority of security and justice.<sup>29</sup>

## Notes

- In sub-Saharan Africa, it is estimated that non-state actors provide more than 80 per cent of justice and security services. Organisation for Economic Co-operation and Development (OECD) (2007), ‘Enhancing the Delivery of Justice and Security: Governance, Peace and Security’, p 27 (<https://www.oecd.org/dac/conflict-fragility-resilience/docs/38434642.pdf>); OECD (2007), *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD Publishing), p 11 (<https://issat.dcaf.ch/content/download/478/3015/file/OECD%20DAC%20Handbook%20on%20SSR.pdf>)
- For example, in 2013–14 within the UK aid portfolio, security and justice assistance ‘accounted for £95 million in expenditure, across DFID and the Conflict Pool’. Independent Commission on Aid Impact (2015), ‘Review of UK Development Assistance for Security and Justice’, March, p 1 (<https://icai.independent.gov.uk/wp-content/uploads/ICAI-Report-UK-Development-Assistance-for-Security-and-Justice..pdf>)
- Cecchi F, Testa A, Warsame A (2018), ‘Estimates of crisis-attributable mortality in South Sudan, December 2013–April 2018. A statistical analysis’, London School of Hygiene and Tropical Medicine, September (<https://www.lshmt.ac.uk/south-sudan-full-report>)
- See International Crisis Group (2019), ‘Déjà Vu: Preventing Another Collapse in South Sudan’, November (<https://www.crisisgroup.org/africa/horn-africa/south-sudan/b147-deja-vu-preventing-another-collapse-south-sudan>)
- For example, see Breitung C, Paes W, van de Vondervoort L (2016), ‘In Need of a Critical Re-think: Security Sector Reform in South Sudan’, Bonn International Center for Conversion, September, p 19 ([https://www.bicc.de/uploads/tx\\_bicctools/working\\_paper\\_6\\_01.pdf](https://www.bicc.de/uploads/tx_bicctools/working_paper_6_01.pdf)); International Security Sector Advisory Team (2016), ‘South Sudan SSR Background Note. Section 5: International Support and Coordination’, Geneva Centre for Security Sector Governance, January (<https://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/South-Sudan-SSR-Background-Note#donorsupport>)
- A three-year collaboration between Saferworld, Conciliation Resources and International Alert from 2017–2020, the PRP generates evidence and lessons for policymakers and practitioners on how to support peaceful, inclusive change in conflict-affected areas. It is funded by the UK’s Department for International Development.
- Statutory law originates in legislation, whereas customary law originates in social practices and is typically connected to traditional forms of authority.
- Ibreck R (2019), *South Sudan’s Injustice System: Law and Activism on the Frontline* (London: Zed Books), pp 81–82.
- Krause J (2019), ‘Stabilization and Local Conflicts: Communal and Civil War in South Sudan’, *Ethnopolitics*, 18 (5), pp 478–493.
- Groups of people born within the same time period who are assigned a shared identity as well as social roles and responsibility by virtue of when they were born.
- Saferworld focus group, December 2018.
- Saferworld interview, March 2019.
- Brereton V (ed.) (2017), ‘Informal armies: community defence groups in South Sudan’s civil war’, Saferworld, February (<https://www.saferworld.org.uk/resources/publications/1108-informal-armies-community-defence-groups-in-south-sudan-civil-war>)
- The national army, previously called the Sudan People’s Liberation Army (SPLA) and later referred to as ‘SPLA in Government’ (SPLA-IG), was renamed in October 2018 to the South Sudan People’s Defence Force (SSPDF). The main armed opposition movement is known as the ‘SPLA in Opposition’ (SPLA-IO).
- These were part of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM).
- See section on ‘Other traditional authorities’ in chapter 2 of the full report for more information about landlords.
- Conflict Research Programme (2019), ‘South Sudan: The Perils of Payroll Peace’, London School of Economics and Political Science, March (<https://sites.tufts.edu/reinventingpeace/files/2019/03/The-Perils-of-Payroll-Peace.pdf>)
- A range of policy options for intervention by the state and engagement by civil society actors with non-state justice and security systems is set out in the annex of Department for International Development (2004), ‘Non-State Justice and Security Systems’, May (<http://www.gsdc.org/docs/open/ssaj101.pdf>)
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- This has included the Catholic Diocese of Torit, African Inland Church, PAX, Norwegian Church Aid and Catholic Relief Services.
- The Union of Monyomiji is an organisation that was established by some individual *monyomiji* members on 24 August 2013 to engage *monyomiji* of different communities in peacebuilding initiatives. *Radio Miraya* (2016), ‘How to mitigate and resolve community conflicts – The Torit story’, United Nations Mission in South Sudan, 3 August (<https://unmiss.unmissions.org/how-mitigate-and-resolve-community-conflicts-%E2%80%93-torit-story>)
- For more information, see Saferworld (2018), ‘Communities tackling small arms and light weapons in South Sudan: lessons learnt and best practices’, July (<https://www.saferworld.org.uk/resources/publications/1179-communities-tackling-small-arms-and-light-weapons-in-south-sudan-lessons-learnt-and-best-practices->)
- International Criminal Tribunal for Rwanda (1998), ‘Judgement. The Prosecutor versus Jean-Paul Akayesu, Case No. ICTR-96-4-T’, 2 September, para. 688 (<https://www.unictt.org/sites/unictt.org/files/case-documents/ict96-4-trial-judgements/en/980902.pdf>); see also International Committee of the Red Cross, Customary IHL Database, ‘Rule 93. Rape and Other forms of Sexual Violence’ ([https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule93#Fn\\_91B758A1\\_00026](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93#Fn_91B758A1_00026))
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## About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity. We are a not-for-profit organisation working in 12 countries and territories across Africa, Asia and the Middle East.

This briefing was written by Lucian Harriman with Ilona Drewry and David Deng.

Cover photo – Ceremony for handover of power between *monyomiji* age sets, Locaruk, Northern Lopit, February 2018.

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Saferworld, Conciliation Resources and International Alert are collaborating on a three-year research programme, the Peace Research Partnership, which generates evidence and lessons for policymakers and practitioners on how to support peaceful, inclusive change in conflict-affected areas. Funded by UK aid from the UK government, the research focuses on economic development, peace processes, institutions and gender drivers of conflict.

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