### BREAKING BARRIERS: EMPOWERING WOMEN IN PEACE MEDIATION FOR LASTING PEACE IN SOUTH SUDAN

Dr. Judy McCallum Chelsea Cohen Lucy Awate September 2023



Women at the grassroots level should be actively engaged in national and international peace processes and peace negotiations.



Diplomatic pressure should be harnessed by international and regional actors to ensure that parties engaged in the peace process uphold their commitments to advance the participation of women.



Sustained support is essential for promoting women's inclusion in peace mediation by means of continuous capacity building, facilitating information access, and strengthening collaborative efforts.



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### **Abstract**

This case study examines women's involvement in peace mediation processes in South Sudan and the barriers they face. Despite the recognized importance of women's participation, challenges persist in bringing women to the negotiation table and enabling meaningful engagement. Significant barriers continue to impede the achievement of equal representation, influence, and leadership in building and sustaining peace in South Sudan. The case study explores strategies used by women to overcome barriers and be included in discussions and agreements. Moreover, it analyses the legal frameworks utilised by women in South Sudan and assesses the implementation of the R-ARCSS peace agreement. The exclusion of women in the Rome Process is examined, highlighting important contrasts to the inclusive approach of the R-ARCSS. The study's findings emphasise that the mere presence of women at the mediation table is insufficient since gains can easily be withdrawn without proper implementation. Traditional mediation processes prioritise belligerent parties, hindering the inclusion of women and impeding gender-transformative aspects of peace agreements. Limited political will and support further impede progress. To address these barriers, the study recommends the implementation of additional legal instruments to reduce gender inequities within South Sudan's Women, Peace, and Security agenda.

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### List of Acronyms

AU African Union

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

CPA Comprehensive Peace Agreement
CoHA Cessation of Hostilities agreement

**CTSMVM** Ceasefire and Transnational Security Monitoring and Verification Mechanism.

CTSAMVM Ceasefire and Transnational Security Arrangements Monitoring and Verification Mechanism

DRM Democratic Resistance Movement

ENAF Equatoria Non-Allied Forces

**EU** European Union

**HLPF** High Level Revitalisation Process

**IGAD** Intergovernmental Authority for Development

NAS National Salvation Front

NCRC National Constitution Review Commission

NCC National Constitutional Conference

NDM-PF National Democratic Movement Patriotic Front

NSSSOG Non- Signatories South Sudanese Oppositions Group

SSCC South Sudan

SSNAP 1 National Action Plan on the implementation of 1325 v.1
SSNAP 2 National Action Plan on the implementation of 1325 v.2

SSNDA South Sudan National Democratic Alliance

SSOA South Sudan Opposition Alliance

SSOMA South Sudan Opposition movement Alliance
SSPDF South Sudanese Peoples Defence Force

SSUF South Sudan United Front

**SPLM** Sudan People's Liberation Movement

**SPLM IG** SPLM In Government

**SPLM 10** Sudan People's Liberation Movement in Opposition

**R-ARCSS** Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan

RJMEC Revitalised Joint Monitoring and Evaluation Commission.

UDRM/A United Democratic Revolutionary Movement/Army

UNDP United Nations Development Programme

**UNFPA** United Nations Populations Fund

**UNHCR** United Nations High Commissioner for Refugees

**UNMISS** United Nations Mission in South Sudan

WPS Women Peace and Security

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### Introduction

Research has shown that involving women in peace mediation processes increases the success of implementing the resulting peace agreements. However, getting women to the negotiation table, let alone enabling them to meaningfully participate in discussions, remains an uphill battle despite growing recognition of the importance of inclusive participation. The barriers that persist for women's participation are driven by both the nature and traditional models of peace mediation, which usually prioritise the belligerents and are rooted in the social and cultural contexts of conflicts.

The purpose of this case study is to explore the extent and nature of women's involvement in the peace mediation processes in South Sudan, building on the growing body of work documenting the successes and challenges that women have faced in overcoming barriers to reach the negotiation table.<sup>2</sup> The case study first examines the challenges that women face in participating in peace mediation in South Sudan. The second section explores the strategies which women have used to reach the negotiation table and incorporate their concerns into discussions and the final agreement. The third section reviews the key legal and normative frameworks that women in South Sudan have utilized to get to the negotiating table and further cement their gains. The fourth section will explore the implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) signed in 2018 (and extended in February 2023), particularly the provisions for greater gender equality, and examine the barriers to the effective implementation of the agreement. Finally, the case study conducts an in-depth examination of the "Rome Process" led by St. Egidio, which has, with few exceptions, excluded

women from the negotiation table. It examines how and why this process differs from the R-ARCSS process in terms of the inclusion of women.

As the examination of the normative frameworks, the implementation of the peace process, and the Rome process reveal, it does not suffice to have women present at the mediation table, since the gains made through these processes are easily withdrawn – whether in the implementation of the agreement or in future peace mediations processes (i.e. the Rome process) which, to date, have had almost no involvement by South Sudanese women.<sup>3</sup> The very nature of traditional mediation processes, which focuses on bringing the belligerent parties to the table, is exclusionary; precedence is given to the warring parties, not only in the negotiation phase but also often in the actual implementation of the agreement. The lack of buy-in from the belligerent parties to including women at the negotiating table and the potential gender transformative aspects of the peace agreement has meant that there has been little political will to implement these aspects. In addition, as the Rome process has demonstrated, women's continued role in future peace negotiations will not be granted without significant efforts, energy, and external support. Likewise, the Women Peace and Security (WPS) agenda in South Sudan will not achieve its key aims without implementing additional legal instruments that address the underlying barriers and gender inequities faced by women in South Sudan. Despite women's efforts to be included at the negotiation table, significant barriers continue to impede their equal representation, influence, and leadership in building and sustaining peace in South Sudan.4

<sup>1</sup> Nilsson (2012)

<sup>2</sup> See for example, Aluel & Lopa (2023), Bazugba (2019), Bazugba et. al (2019), Boi & Lopidia (2020), Chol (2023), Sebba (2020), Kezie-Nwoha & Were (2018), Lopidia (2018 & 2019), Nasiwa (2021), Pelham (2020), Soma (2019), Womens International Peace Centre (2020).

<sup>3</sup> Interviews in Juba, Yei, including with St. Egidio staff.

<sup>4</sup> Lopidia (2018), Womens International Peace Center (2020), Sebba (2020)

### Background

South Sudan's current conflict finds its roots in the country's history, predating Sudan's independence in 1956. Indeed, the country has been embroiled in political conflict since 1955, interjected by short periods of relative peace. The history of armed conflict includes the struggles between Sudan and Southern Sudan, which occurred in two phases: Anyanya 1 (1955 to 1972) and the Sudanese Peoples Liberation Movement (SPLM) (1983 to 2005). Before South Sudan's independence, Sudan's effective divide-andrule approach – involving proxy militias, armed and often trained by the Sudan Armed Forces (SAF) and recruited from various ethnic groups across South Sudan – created deep rifts between southern communities. 5 Unresolved historical grievances between southern communities were further deepened by the two civil wars between southern rebels and the northern government, creating new fractures within communities<sup>6</sup> despite the signing of the Comprehensive Peace Agreement (CPA) in 2005.7 The CPA provided an opportunity for the new Southern government to integrate the militias into the newly formed military, but with little success. A national referendum was held in January 2011, during which the Southern Sudanese made an overwhelming decision to secede from the North, ushering in a new era of change and transformation.8

Although some gains were made during the CPA period (2005-2011), the unresolved tensions along pre-existing ethnic faultlines resulted in a new civil war in late 2013 within the newly independent South Sudan. The ruling Sudan People's Liberation Movement (SPLM) split into two main factions mirroring the pre-existing ethnic and

political divisions – the SPLM/A in Government (SPLM-IG) and the SPLM/A in Opposition (SPLM-IO) – resulting in the proliferation of violence throughout the country. <sup>9</sup>

In August 2015, the warring parties signed the Agreement on the Resolution of Conflict in South Sudan (ARCSS) in Addis Ababa, Ethiopia. The ARCSS signatories included the SPLM/A-IG, SPLM/A-IO, Former Detainees, and a coalition of other political parties. However, the ARCSS did not resolve the underlying tensions, despite forming the Transitional Government of National Unity of the Republic of South Sudan (TGNU) in late April 2016. As a result, the Agreement was short-lived. Violent conflict broke out just months later, spiralling into heightened violence and increasingly brutal inter-ethnic attacks which spread into areas that previously been removed from the conflicts.<sup>10</sup>

Renewed regional efforts by IGAD to end the violence led to the creation of the September 2018 Revitalised Peace Agreement (R-ARCSS), signed by the SLPM IG, SPLM IO, and other opposition forces. Despite the ceasefire, the situation in the country remains highly fragile, and little progress has been made in implementing the conditions of the peace agreement. In February 2023, the Pre-Transitional period outlined in the agreement – the period during which the parties complete critical reform initiatives – was extended for an additional 24 months due to a lack of progress in establishing peace after the bloody five-year civil war. <sup>11</sup> The following table outlines some of the key events in these civil wars and peace processes.

<sup>5</sup> Life & Peace Institute (2018)

<sup>6</sup> For example, the Murle community was split between those who supported the SPLA/M, and those aligned with Khartoum (McCallum, 2013 Doctoral thesis)

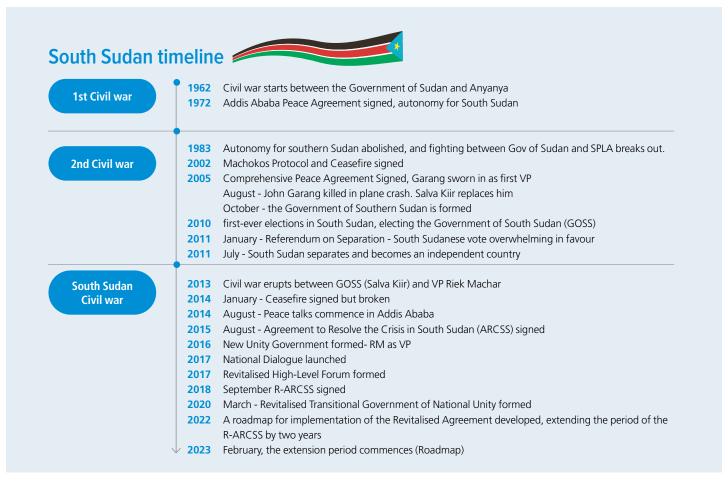
<sup>7</sup> Lopidia (2018)

<sup>8</sup> Craze (2020)

<sup>9</sup> ICG. 2022. Briefing No. 179.

<sup>10</sup> Boswell 2021

<sup>11</sup> Alic et. al. 2023



The conflicts have had a devastating effect on the lives of women, men, girls, and boys. Hundreds of thousands<sup>12</sup> have been killed, and the UNHCR estimates that a further 2 million have been displaced internally, while over 2.2 million have fled across the border.<sup>13</sup> Women and girls have been disproportionately impacted by the conflict. Violence and insecurity have worsened pre-conflict vulnerabilities rooted in gender inequality and marginalization. Nearly 50% of girls are married before the age of 18, with anecdotal evidence<sup>14</sup> that the rates of child marriage are driven by exacerbated by conflict-related poverty and food insecurity. Sexual violence has also been used as a tactic of war, including widespread rape, mutilation and torture, and armed actors have abducted women and girls for sexual slavery.<sup>15</sup>

In South Sudan, like many other parts of the world, women remain underrepresented in peace processes, influencing what is discussed at the negotiating table. However, over the successive peace negotiation processes

(CPA, ARCSS and R-ARCSS), there has been an increased presence of women at the table. Although all those who signed the R-ARCSS agreement on behalf of parties to the conflict were men, seven of the 17 civil society signatories were women. This dramatic increase in the level of representation was the outcome of extensive lobbying, enabling women delegates to meaningfully influence the processes leading towards the agreement and the text of the agreement itself.<sup>16</sup>

However, since the signing of this agreement, little progress has been made in its implementation. In addition, new conflict hotspots have emerged, especially in the Equatoria states, where fighting has broken out between the SLPM and non-signatories to the R-ARCSS.<sup>17</sup> The Community of Sant'Egidio<sup>18</sup> has been leading the "Rome Process," bringing the Non-Signatories South Sudanese Oppositions Group (NSSSOG) coalition into negotiation with the government.

<sup>12</sup> An April 2018 study estimated that over 383,000 people had died as a result of the South Sudan Civil War (quoted in New York Time 383,000: Estimated Death Toll in South Sudan's War - The New York Times (nytimes.com)

<sup>13</sup> Pellham 2020

<sup>14</sup> World Vision 2021

<sup>15</sup> Lopidia 2019

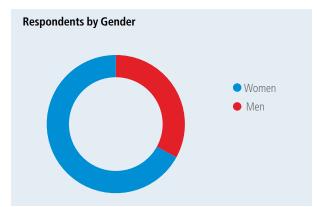
<sup>16</sup> Lopidia 2019, Bazugba et.al. (2019), Pelham (2020), Soma (2020)

<sup>17</sup> Boswell (2021)

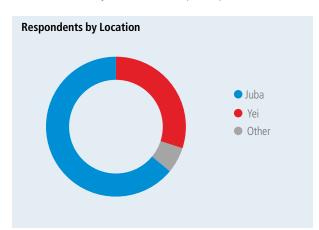
<sup>18</sup> a lay Catholic association dedicated to social service, founded in 1968 under the leadership of Andrea Riccardi. In 1973 the association was given a home in the church of Sant'Egidio in Rome. In 1986 it was recognised by the Roman Curia of the Holy See as an international association of the faithful.

### Methodology

This report is based on qualitative research design and uses primary and secondary data collection methods. This included an intensive desk review of existing literature, both academic and grey literature, and legislation from key government institutions, development partners, and civil society engaging with the R-ARCSS and the advancement of women's participation and security at national and state levels. Key references are made to relevant policy and legal frameworks, strategies, and programs that are intended to advance the Women, Peace, and Security agenda in South Sudan. Regarding primary data collection, a total of 52 individuals, actively involved in the peace processes and at both the national and the local levels were consulted, consisting of 67% women and 33% men.

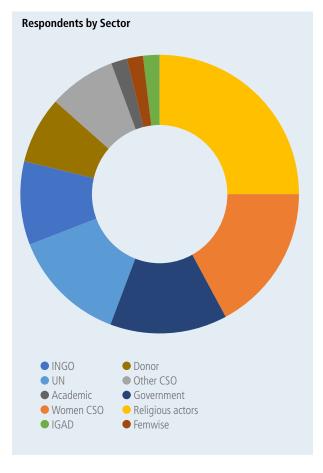


Respondents included civil society and women activists, academics, national government officials, members of parliament, IGAD officials, local government officials, religious actors (including women within the South Sudan Council of Churches, the Mothers Union, Bishops, and Africa Inland Church women, and an Interreligious council), International and National NGOs, UN officials (UNWomen, UNFPA, UNDP), and donors. Most of the interviews were held in person in Juba and Yei, but several interviews were also held remotely via Zoom with participants in Nairobi.



There were two types of interviews: one-on-one and group (more than two interviewees). Although the interviews followed a guided set of questions, they also allowed room for personal expression and storytelling.

The researchers selected interviewees based on their known involvement in the peace processes. Initial respondents suggested others who have played roles in the peace processes, who were, in turn, approached for interviews using a chain-referral sampling methodology. This approach ensured that the researchers had access to credible informants who had played significant but less visible roles in the peace processes. Referral from their peers and trusted colleagues also helped overcome the hesitancy of some potential respondents, who were naturally cautious about discussing such a sensitive topic. The women and men interviewed also included participants affiliated with negotiating parties, professionals who contributed technical skills to peace processes, and those who have broader reach into society due to their positions in institutions such as churches. In sum, the researchers sought to ensure that the women and men interviewed represented a diversity of affiliations and profiles.



### Limitations

Given that the study was conducted during a period of ceasefire and conflict negotiation period, potential travel remained limited for security reasons due to the ongoing crisis. Combined with the limited timeframe for research, this meant that in order to maximise on the depth and efficiency of the study, most of the participants interviewed were based within Juba and Yei. The researchers spent 13 days in South Sudan, nine days in Juba and four days in Yei.

Language barriers posed a further limitation, specifically the challenges associated with the use of local languages. This was particularly the case in the Yei area, where some participants preferred to speak in their local languages of Arabic and Kakwa. This limitation was mitigated by having a local female research assistant on the team, allowing us

to conduct interviews in the local languages. However, it is essential to acknowledge that some details and nuances in responses may have been lost in translation.

During the interviews, most of the respondents, particularly those from civil society but also from the government, mentioned the highly politicised and lack of tolerance for perceived criticism of the ruling party. As a result, the research team could only secure some of the interviews when introduced by a trusted referee. Others refused to meet, possibly due to research fatigue but also due to real fears associated with the possibility of reprisals for speaking to external researchers. Given these sensitivities, the research team has not identified this case study's respondents.

### **Key Findings**

This paper focuses on women's engagement in peace mediation in South Sudan. Peace mediation is only one of several ways that women in South Sudan work towards establishing peace<sup>19</sup> – with women playing critical roles within grassroots peacebuilding processes at subnational and national levels. Specifically, this paper focuses on women's engagement on the Track 1 peace mediation <sup>20</sup>level and the resulting peace agreements. However, as pointed out by IMSD (2017), peace mediation cannot be examined in exclusion of other Tracks and peace processes. A durable peace process "requires a multi-track approach, which does not only mean conducting activities on all tracks but also interlinking these activities in ways that increase their effectiveness."<sup>21</sup>

According to the UN, peace mediation consists of "a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements". In their guidelines, the UN acknowledges the importance of inclusive processes, which are more likely to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed. <sup>22</sup> Peace mediation, a tool used to address intractable conflicts requiring an external facilitator, is used in inter- and intra-state conflict negotiations. In addition, the UN asserts that national ownership and legitimacy can be increased by effective inclusivity – particularly by bringing in women and women's groups to the process.

However, feminist scholars challenge the assumption that peace mediation is gender-neutral and that the mere act of adding women will make the process more inclusive. For example, Sabiano (2021) states that peace mediation often "reinforces the already gendered aftermath(s) of war."<sup>23</sup> "The foundations of international law", Sabiano argues, "produce gendered hierarchies, ways of being,

thinking and doing, which shape the mechanisms and tools of already gendered peace mediation processes reinforcing the gendered aftermath(s) of war."<sup>24</sup>

Empirical evidence has demonstrated that women's participation and substantial influence in peace processes will increase the likelihood of reaching an agreement and contributes to a more durable peace agreement. However, Sabiano points out that peace agreements do not "necessarily end violence against women, protect women's rights, or establish gender equality." 25 This is largely because peace agreements rarely transform the power structures and unequal gender relations that existed before the conflict. Peace mediation, Sabiano observes, "is gendered not only because of women's notable absence from the negotiation table but also because of the masculine, heteronormative structures of mediation that make women's absence acceptable. Gendered ways of being, doing and thinking shape peace mediation, reinforcing existing gender inequalities and hierarchies through the process." <sup>26</sup> In addition, international law, and particularly gender law reforms such as the Women Peace and Security Agenda (WPS), are also constrained by "the assumed rationality and objectivity of international law, particularly its gender neutrality".27 "[L]ike most global governance gender law reforms", Sabiano observes, "the WPS agenda is limited in its capacity to disrupt international law and peace mediation structures that allow for processes to be male-dominated."28 For example, when women are included in peace processes because of their "womanly instincts" they are often relegated to "feminized tasks" and their political agency is limited."29

The outcomes of peace mediation usually consist of agreements over a range of issues, from ceasefire arrangements to comprehensive peace agreements. Peace agreements often reflect these dynamics because of the

<sup>19</sup> In his groundbreaking work in 1967, Johan Galtung presented a theory of peace, often referred to as "positive peace" or "structural peace." This theory emphasises not just the absence of violence (negative peace) but also the presence of conditions that foster genuine harmony and well-being. Galtung believes that true peace addresses the root causes of conflict and seeks to eliminate structural violence and inequalities in society. His theory highlights the importance of addressing social, economic, and political factors contributing to conflict and striving for justice, equality, and cooperation as essential elements of lasting peace.

<sup>20</sup> Track 1 mediation refers to a formal and official conflict resolution or negotiation process involving government officials or high-level representatives of organisations, states, or international bodies. It typically takes place at the highest levels of decision-making and involves direct negotiations between parties in conflict.

<sup>21</sup> IMSD (2017), P. 3

<sup>22</sup> United Nations (2012). Guidance for Effective Mediation, p.4.

<sup>23</sup> Sabiano (2021) p.1

<sup>24</sup> Sabiano (2021) p. 3

<sup>25</sup> Sabiano (2021) p. 10

<sup>26</sup> Sabiano (2021) p. 12

<sup>27</sup> Sabiano (2021) p. 8

<sup>28</sup> Sabiano (2021) p. 14

<sup>29</sup> Sabiano (2021) p. 13

gendered nature of the conflict and the negotiations. In order to bring an end to the violence and set the stage for sustainable peace, justice, security and reconciliation, <sup>30</sup> Sabiano contends that peace agreements must address the gendered aspects of the conflict and the underlying power dynamics and inequities. If this is not the case, peace agreements will only replicate the conditions that led to the conflict in the first place.

During the project's research on women's engagement in peace mediation in South Sudan, it became clear that, despite significant gains made by women to get to the negotiation table, the peace meditation processes themselves adopted an "add women" approach, rather than implementing a transformative approach. Moreover, although the peace agreements included crucial provisions and gains for women, they largely failed to address the deep divisions within South Sudanese society, particularly the gendered nature of the conflicts. The cracks that prevent the implementation of the peace agreement are often the result of political parties' lack of willingness to address the stark gender inequalities in South Sudan. Despite these challenges, as the case study reveals, women in South Sudan have developed important strategies that have enabled them to organize themselves and get a seat at the R-ARCSS negotiating table. These strategies are vitally important as women continue to fight for their place in the country's governance system.

## 1. Challenges Facing Women engaging in peace mediation in South Sudan

The past decade has seen tremendous growth in women's activism in South Sudan, especially as it relates to their involvement in peace mediation and negotiations.<sup>31</sup> While the foundations for this were established previously, women have organised themselves to push for greater inclusion in the country's critical processes, particularly by taking a vital role in the revitalized peace negotiations and peace processes at all levels across South Sudan.<sup>32</sup> Women interviewed in Juba and Yei showed an impressive caliber, professionalism, and passion for working towards a more peaceful and secure South Sudan. On the (sub)national level, significant progress has been made through the work of individual women-focused organisations, other organisations supporting women's movements, and various

networks including the women's coalition. Supported by other international, multilateral, and bilateral actors, the women's movement has huge potential to shape the future of the country. In short, the women's movement in South Sudan is vibrant, active, and organised around the country's critical issues.

However, there are significant challenges facing the women's movement. First, according to our research observations, it is not necessarily unified. The Women's Bloc, for instance, is split between two leaders – one side recognised and supported by IGAD.<sup>33</sup> The reasons for the split range from political differences to personality differences. Neither leader was willing to meet with us and share their perspectives. This has rendered the Women's Bloc ineffective and a source of frustration for many. Sebba (2020) also reported tensions between the Women's Bloc and the Women's coalition: "the two often appeared to be on a collision path leading to a question of which one represented the interests of women."<sup>34</sup>

Women in Yei expressed a disconnect between women's engagement in peace processes at the Juba level and the reality on the ground. They reported being frustrated with the fact that there is a lot going on and being said in Juba, but that they are seeing less activity and support at the sub-national level. Given their constraints and particular challenges, they felt that they had not been adequately consulted on key issues in recent years. Interviewees attributed this to the security situation in Yei (and, by extension, other sub-national areas). Nevertheless, the women also felt that there was a lack of prioritization for engagement beyond the Juba level.



<sup>30</sup> UN (2012). p.20

<sup>31</sup> Chol (2023), Mai (2015)

<sup>32</sup> Bazugba A.M et.al. (2019), Mai (2015)

<sup>33</sup> Interview, Juba, IGAD (2023)

<sup>34</sup> Sebba (2020)

In 2018 (during the peace negotiations), the involvement of women at the grassroots [level] was very low, and [...] the mechanism that the government comes [up] with does not favor women. [This is especially the case] when something bad happens: instead of picking women from the locality where the issue has happened, they collect information via phone to feed those in Addis Ababa. We witness what is happening, but people who are [chosen] to represent women are not getting the firsthand information. We were not happy [then], and now we are [still] not happy about it. For example, some women who were taken (from Juba) to Addis do not come to us, they don't step to the ground. Not even the parliamentarians come to the ground to hear from us, and this is paining us. 35

They think the women in Yei don't know how to talk. But we can tell them the [truth] that is happening in Yei. I am from Mugo payam, so I may not hear what is going on (in other places). There is a difference between eye and ear. I cannot give a report of something that has happened but that I have not seen with my own eyes. Those people in Juba assume they know everything. Why are people in Juba representing us in Yei? We have not authorized anyone to represent us there. <sup>36</sup>

Women who are in political positions are hampered from making reforms due to their fears of repercussions from their political parties.<sup>37</sup> As a result, they are not pushing from within the government for change but are instead relying on women outside of the government to be the voices for change.<sup>38</sup> Their fears of being labelled<sup>39</sup> as troublemakers or opposition have effectively silenced them from speaking out on issues of interest to women, even on issues which the government has agreed to implement. At best, women in political roles fear losing their positions in government. At worst, they fear being arrested. During the negotiations, the women representing the government felt that their hands were tied when it came to raising issues that were perceived to be of interest to women and could potentially make their political party look bad.

When a woman is part of a delegation, she is not there to talk about women's issues, but to promote the position of the party that she represents. So even having women on the delegations does not mean that women's priorities will be included. As a result, in most situations, women's priorities never make it to the table.<sup>40</sup>

The interviewees' strategy was to use the Women's block and other civil society actors to ensure that women's issues were brought to the table:

If there was an issue that would need to be said, we could not say it, we would talk to the Women bloc to say it, as we [were only allowed to] talk about the government things. We could not openly say things like 'women were killed' if you were on the government side. Even when they report that women and children are being killed by soldiers, we have to say 'no, not by the government side'.<sup>41</sup>

Women activists concurred that women representing the government did not have any voice to raise issues of concern to women. As one respondent in Yei stated:

The politicians come to us women to use our voice. They use us to speak; they cannot speak so they are using us. [In] Central Equatoria [...] it's a little bit fairer through the leadership of the first governor and the second governor, some good numbers of women representing us. But the problem is [that] they are taking women who are keeping quiet – they don't speak. For example, in September, two of them came, I said, 'now, a lot of things are happening to women, children and the elderly, can you not bring it up in the parliament for action? Why are you keeping quiet? We have sent you there to [be a] voice for us. Whenever we are suffering, come down and get first-hand information from us and then go and speak [about] it in parliament.'42



<sup>35</sup> Interview, Yei (2023)

<sup>36</sup> Focus group, Yei (2023)

<sup>37</sup> The biggest concern seemed to be related to losing their positions, but other repercussions (loss of influence, imprisonment etc could also be factors).

<sup>38</sup> Interview, Juba, Woman Member of Parliament (2023)

<sup>39</sup> Various interviews, including Members of Parliament and the perceptions of others.

<sup>40</sup> Interview, Juba, South Sudan Peace Commission (2023)

<sup>41</sup> Interview, Juba (2023)

<sup>42</sup> Interview, Yei (2023)

Having women in key roles, such as the Minister of Defense position held by Angelia Teny (IO) was seen as a mixed blessing. Although having an important position held by a woman was seen as an important statement for women's progress, the significant challenges she faced in this role has undermined any benefits from this success.

The Ministries led by women are not performing well (actually, all ministries are not performing well). We had a vision for these spaces when we were campaigning for them. But we [no longer have] a vision [since] we gained them. We only thought [about] having a woman occupy the space in Eagle house, but not beyond that.<sup>43</sup>

Others identified the lack of prioritisation of the Ministry of Gender and other ministries headed by women as undermining progress.

The first Vice President is a woman, but her engagement is very limited. Her office and the Ministry of Gender are two Ministries that are supposed to advance women. But they are ineffective – the budget allocated to Women Peace and Security (WPS) and the Ministry is very low. This is because they are not being prioritized financially. The lack of participation and financial commitment shows [how] low [the government's] commitment [is].<sup>44</sup>

Many respondents spoke about the lack of political will at all levels within the government to implement the peace agreement, particularly the provisions around women's inclusion. 45

The whole women's agenda doesn't sit well with the Parties, they are fighting the war to gain positions. They think that the women were part of the peace negotiations because they wanted to gain positions in the government, not that they are there for the development and promotion [of] women issues. And the women who are there also have that same idea. But the positions – they don't necessarily come with the power. They are just positions.<sup>46</sup>

Unless the international community intervened or women organisations had pushed, many interviewees cited that there was little political will to include women. As

one respondent stated: "When we are in these spaces, the men only see us as cards to show the international community, but they don't really believe that we should be there." <sup>47</sup> The key example was the ongoing Rome negotiations, where South Sudanese women have had very little engagement, although other examples were also given (for example in the NBEG/Lakes peace talks).

The Rome process was designed around the warring parties. The idea that women of civil society should be around the table has still not taken root. When we got to the table in 2014, we had to take ourselves there to explain and justify why we should be there. As women we took it for granted that we had made it, but we had not made it. That is the challenge with the St. Egidio process. The men still don't recognise us." 48

Security and civil spaces also hamper the connections between Juba and other parts of the country. Travel outside of Juba is challenging, expensive, and insecure. This means that the subregional areas are neglected when it comes to implementing the peace agreement, and that the focus is primarily on the national level. Women activists in Juba, and particularly in Yei, spoke about the risks they faced in continuing to push for their inclusion within and the implementation of the peace agreement provisions. Women activists are monitored, and their movements are restricted. Any training workshops require National Security permission and usually include national security personnel attendance. Some women have been arrested, while others have left the country for fear of their personal safety.

If you want to have a workshop, you have to go to the SSRRC, and then you have to bring it to the security actors<sup>49</sup>, and then they assign one person to go and sit in the workshop. They know everything that is happening in the town. There is a lot of mistrust [generated by] a high level of trauma.<sup>50</sup>

Given the scope of the challenges facing the implementation of the peace agreement, and the challenges of survival in an increasingly economically insecure country, women are having to make difficult decisions regarding what to prioritise and where to focus their energies. In addition, international support has decreased since the peace agreement was signed.

<sup>43</sup> Interview, Juba (2023)

<sup>44</sup> Interview, Juba (2023)

<sup>45</sup> See also Women's International Peace Centre (2020)

<sup>46</sup> Interview, Juba (2023)

<sup>47</sup> Interview, Juba (2023)

<sup>48</sup> Interview, Juba (2023)

<sup>49</sup> Interviewees described a number of levels of security, but mainly the National Security Actors, who monitor the activities of civil society actors.

<sup>50</sup> Interview, Yei (2023)

It became difficult for women to continue at the [level of] vibrancy they had [attained] during the peace talks. This is part of the reason why we have not yet achieved the 35% [representation]. After it was in the paper [peace agreement], most of the support went down.<sup>51</sup>

According to our interviewees, women in South Sudan are becoming increasingly traumatized, frustrated, and are burning out. The trauma of the conflicts, across all levels, has impacted every woman we spoke to. They also acknowledged the impact of trauma on their families and communities. Women in Yei observed that the members of the armed forces with whom they interact are equally traumatized, leading them to resort to violence and sexual violence, creating an escalating cycle of trauma. Women in Yei further expressed their frustration and anger that the situation has seen little change, despite the occurrence of multiple negotiations and agreements. Respondents overwhelmingly blamed the country's political leaders, particularly in Juba.

The government needs to cater for their soldiers. Enough is enough. They kill us and rape us. They are deployed everywhere without salaries, so they loot and rape. They are not given a leave to see their wives, so they come and rape us. We appeal for the life of the soldiers in the bushes.<sup>52</sup>

Despite the gains made by the women's movement, South Sudan continues to be a strongly patriarchal society – where the default is to prioritize men, unless women and their allies push against the status quo.<sup>53</sup> Child marriage, inheritance laws, and many traditional norms discourage women's education and ability to provide for their futures.<sup>54</sup> These issues also underpin many of the barriers to women's participation in South Sudan's peace mediation – both because of the attitudes of many men (and women) to women's activism, and the gendered roles, workloads and physical threats which permeate society. Laws are being implemented to counteract the patriarchal structures of society, but it will continue to be an uphill battle, even when progressive laws are in place.

Despite these challenges, women have taken great strides to ensure that they have a seat at the peace negotiation table, and that the agreement's implementation continues to take their priorities forward. The following section examines some of the key strategies which women activists have used to negotiate peace mediation in South Sudan and ensure that their priorities were included in the R-ARCSS.

## 2. Women's and Women's Groups' strategies to get to the dialogue table

Despite facing the abovementioned challenges, the literature and the interviews identified several key strategies that enabled women activists to be included in the peace negotiations, and have their priorities taken into account. These strategies included: collaborating across various lines to find common points of interest; physically going to the locations of the peace talks, and, if not at the table, having side meetings to influence official talks; finding champions for women's movements within the local, regional, and international institutions; and, utilizing key policy and legal instruments to prioritise women's issues in peace mediation processes.

As a result of these strategies, women were able to gain access to the peace processes and ensure that some of their priorities were included in the R-ARCSS. According to Boi & Lopidia (2020), these key priorities include: "the 35% women's quota, participation of women in key implementation mechanisms such as CTSAMVM board, SDSR Board, NCAC and RJMEC as well as inclusion of gender-based crimes and sexual violence as a crime under the jurisdiction of the HCSS (Art. 5.3.2.1.4)."55

Section 4.1 looks in detail at the specific provisions that women campaigned for to be included in the R-ARCSS.

### 2.1 Collaborating together across divides.

A key strategy that enabled women to reach the negotiation table was their unification from across different divides – political, ethnic, and religious – to come up with joint priorities for peace mediation. According to interviewees, the Women's Bloc was critical to this process early on; it was representative of groups within South Sudan and even included women from the diaspora:

The Women Bloc was established from within civil society at the grassroots [level] to try and bring issues to the forefront of the discussions. It was representative of different communities across South Sudan.<sup>56</sup>

<sup>51</sup> Interview, Juba (2023)

<sup>52</sup> Interview, Yei (2023)

<sup>53</sup> Sebba 2020

<sup>54</sup> Interview, Juba (2023)

<sup>55</sup> Boi & Lopidia (2020) p. 5.

<sup>56</sup> Interview SSPC (2023)

The Women Bloc covered all the women from the three regions – all mixed, as well as women from the diaspora. That was how the voices of women came together.57

Although some respondents mentioned that the Women's Bloc was hampered in accessing the grassroots and was later met with internal challenges, there was broad consensus that the Bloc's early collaboration across the various divides was a critical driver that enabled women to participate in the ARCSS process. This coordination also opened the door for other women's networks to engage in subsequent processes.

Later, during the High Level Revitalisation Process (HLPF), a series of consultations convened by Eve Organisation resulted in the creation of the South Sudan Women Coalition for Peace, which eventually became one of the signatories on the R-ARCSS (alongside the Women's Bloc). This coalition sought to be inclusive, comprising more than 50 women's organisations from across South Sudan and the region. Lopidia (2019) credits this coalition for "open[ing] up the space for women organizations to take part in the revitalization process as direct negotiators and as a technical support team, improving coordination between the women activists and other groups.58

According to Lopidia (2019), while women's initial engagement in the HLPF was based on their individual capacities as "women experts", these women used their access to insist on more space for other women, hereby enabling others to come to the table. Their connection with the wider women's movement was a critical aspect of opening up this space:

> This underscores the importance of ensuring that women who get access to the table are connected with the wider women's movement and can open up the space for more women representatives to add pressure.59

Supported by the international community, the Women's Coalition enabled women across Sudan and the wider region, including refugees, to physically meet five times in Entebbe. These meetings allowed the women to analyze and identify their key priorities for advocacy together. Subsequently, the joint analyses were written up and presented by the women representatives during the HLPF, and, as a result, were eventually included in the R-ARCSS.<sup>60</sup>

#### 2.2 Physical Presence at the location of the peace talks

One of the key obstacles that prevent women from reaching the negotiation table is when the talks are held outside of South Sudan, and they are physically unable to get there. The physical presence of a diverse range of women is critical if women are to have their priorities included in peace agreements. Too often, however, peace negotiations are held in locations that are inaccessible to women activists and are limited to only the warring factions. Women strategized to get themselves to the table by using their own resources, but also by getting support from a range of actors in the international community to ensure their presence and participation in the peace talks. Even when they could not physically sit at the table as official delegates, their presence in the same geographic space was important for lobbying purposes, enabling them to closely follow the discussions. As Lopidia (2019) states:

> Individual contributions, membership fees from the coalition and support from partners such as the Norwegian People's Aid, Cordaid, The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Berghof Foundation, Crisis Action, Oxfam and Global Network of Women Peacebuilders enabled women activists to meet, travel to Addis Ababa and Khartoum, as well as access corridors in the region and globally (Lopidia 2019)

Being in the same spaces, even in the "corridors" of peace mediation talks, was a key step to women eventually gaining access to seats at the table during the R-ARCSS process.

This has been one key challenge for the inclusivity of the Rome Process, which hardly any women are participating in. The fact that the talks are held in Rome means that women cannot be present in the corridors, let alone at the table, and follow or influence the process. Compared to peace mediation talks held in the region, women face the additional challenge of getting visas and the higher costs to access the spaces where the talks are held.



<sup>58</sup> Lopidia (2019)

<sup>59</sup> Lopidia (2019)

### 2.3 Finding Champions within the local, regional and international institutions.

When women found that they had difficulties participating in the peace talks, they drew upon support from key people within the local, regional, and international institutions to promote their issues and involvement in peace talks. During interviews and in the literature, the women activists identified individuals or 'champions' who were critical to enabling their presence at the negotiation table during the HLPF. These included the IGAD Special Envoy, the AU Commission Chairperson, and actors within the international community, who both advocated and provided the resources for women to come together, strategise, and be in the spaces to influence the discussions. As Lopidia describes the IGAD Special Envoy Ambassador Dr. Ismail Wais (the chief mediator), "[i]n comparison with the peace process in 2015, the special envoy was available and accessible. Women didn't relent but took full advantage of [the fact] that, while he had been tough on women, he was also considerate [to the] submissions and argument[s] of women, [which] were convincing. (Lopidia 2019). Likewise, she stated that the AU Commission Chairperson, Mr. Moussa Faki, was an outspoken advocate for women's rights and participation during the HLPF.

### 2.4 Utilizing key policy and legal instruments

Women activists in South Sudan effectively used the available policy and legal instruments, on both a regional and global level, to encourage the international community to push the South Sudanese government to support women's participation at the negotiation table. One activist in Juba stated: "We used the SSNAP<sup>51</sup> to call out the parties, [and encourage them to] come to the table. When IGAD initiated the peace dialogue, we advocated and used 1325 and the SSNAP to ensure women participated in both peace processes (2014-2015) and the HLRP (2017/2018). In the HLRP we used much of the SS NAP to push for the affirmative active – we wanted 50%, but came back to 35%, which [was written] into the agreement.<sup>62</sup>

In the CSO Review of the SSNAP on UNSCR 1325, Boi & Lopidia (2020) observed that one of the key achievements of the first SSNAP was that it strengthened the women's/ feminist movement in the country. They state, "[b]y 2020, there are way more women's organizations working on WPS in South Sudan compared to 2013, when the SSNAP

was not adopted. "<sup>63</sup> In addition, they report that the SSNAP was an effective advocacy tool for women to gain access to the peace process. They credit the SSNAP's implementation for the gains women made in the R-ARCSS agreement.

The following section will look in more detail at the various policy and legal instruments that support women's engagement in peace mediation in South Sudan, and how women are utilizing these instruments to ensure their access to the previous and ongoing peace processes.

## 3. Policy and legal Instruments supporting women in Peace Mediation in South Sudan.

Respondents in South Sudan identified several key policy instruments which were essential to the process of being included at the peace negotiation table. They identified additional legal instruments, currently under development, which are critical to securing those gains long-term. The literature affirms the importance of such backbone instruments. For example, Atem & Lopa (2023) state:

Legal frameworks are a foundational step to women's liberation. Advocacy at regional and international levels and ensuring [that] South Sudan adopted International instruments, such as The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and UN Security Resolution 1325 on Women, Peace, and Security among others, were significant efforts leading to the formulation of national action plans and policies that women's rights organizations continue to capitalize on to advance women's rights and hold the government to account where national laws and policies fall short. There is a lot that can be achieved at regional and international levels that influence laws and policies on women's rights in South Sudan that young women politicians must not lose sight of. "64

The focus of the following chapter is (i) the critical instruments identified by the respondents and the supporting literature, and (ii) how women used these instruments to ensure increased participation in peace mediation in South Sudan, and (iii) continue to use them to press for the implementation of the agreement.<sup>65</sup>

<sup>61</sup> South Sudan National Action Plan (SSNAP) on UNSCR 1325 on Women, Peace and Security

<sup>62</sup> Interview Juba (2023)

<sup>63</sup> Boi & Lopidia (2020: p.4)

<sup>64</sup> Atem & Lopa (2023)

<sup>65</sup> Sebba (2020) has a helpful list of core WPS commitments and instruments at the global, continental, and regional levels that will not be repeated here but can be sourced in their paper.

#### 3.1 Global Instruments

The primary instrument identified by respondents as well as within the literature review is the UNSCR 1325. This normative instrument was mentioned as both the inspiration for women in their peace mediation work and as an essential tool used to encourage both South Sudanese leaders and the international community, to ensure greater inclusion of women in peace mediation processes and in implementing the R-ARCSS. As such, UNSCR 1325 provides a basis for other key UN and Regional policy documents developed and used by South Sudanese women. Sebba (2020) outlines the link between UNSCR 1325 and other key UN resolutions in increasing women's engagement in peace mediation:

> Resolution 1325 was reinforced [by] several others, such as in October 2009 with [the] UN Security Council Resolution 1889, which not only endorsed the measures within UNSCR 1325 but also called for improved women's participation and empowerment across all stages of the peace process. Resolution 1389 focuses on post-conflict peacebuilding, includes a strategy for increasing the number of women participating in peace talks, and calls for the development of global indicators to measure the implementation of Resolution 1325 by the UN and Member States. Resolution 2122 (2013) sets in place stronger measures to improve women's participation and representation in conflict resolution, especially through leadership positions. It also reaffirms that gender equality is central to achieving international peace and security.66

Women activists reported using UNSCR 1325 to push the international community to persuade the warring factions to include women at the mediation table. They also continue to use it to uphold the commitments to women made in the R-ARCSS<sup>67</sup>. Members of the international community also mentioned how they used the government's commitment to UNSCR 1325 to hold them accountable for these commitments.<sup>68</sup> However, some respondents felt that despite donors and the international community putting in a lot of resources to implement UNSCR1325 in South Sudan, there was no real commitment to this instrument by the government.<sup>69</sup>

#### 3.2 Regional Instruments

Regional instruments, such as those implemented by the IGAD and AU, have been important to promoting women's participation in peace mediation in South Sudan. Regional instruments include the AU's Continental Results Framework on Monitoring the Women Peace and Security Agenda 2019, and IGAD's Regional Action Plan. Despite not being explicitly mentioned by respondents, their importance is evidenced by the changes in women's involvement that occurred as a result of IGAD's engagement in the peace negotiations. Respondents reported that, during the 2015 peace talks, activists involved in the process felt that IGAD did not adequately champion women's engagement. However, in 2018, the IGAD Regional Action Plan and, more importantly, the IGAD appointed mediator, Dr. Ismail Wais, opened up new avenues for women's engagement in the talks. One woman activist stated:

> What made it successful was the kind of Special Envoy IGAD had, he was flexible and a good mediator, and he listened. He realised that the voices of women are important. During the previous process the mediators were all military people. Mediators play an important role to make space for women.70

In sum, regional instruments are established and recognized by some women activists in South Sudan, and were reported by respondents as having been helpful in holding IGAD and African Union accountable to their commitments. What was reported as being more significant, however, was the appointment of regional mediators who pushed for the greater inclusion of women in the peace processes.

#### 3.3 National Instruments

National-level instruments have also enabled South Sudanese women to engage in peace mediation and broader politics and are expected to continue to pave the way to ensure future engagement. Several different types of instruments were identified by the respondents, including the previous and current peace agreements, the Transitional and (upcoming) Permanent Constitutions,<sup>71</sup> the South Sudan Women Peace and Security National Action Plan (SSNAP) on UNSCR1325, and key pieces of legislation that are either under development or anticipated to be developed in the future.

<sup>66</sup> Sebba (2020) 67 Interviews Juba (2023)

<sup>68</sup> Interview Juba, Diplomat (2023)

<sup>69</sup> Interview, Juba (2023)

<sup>70</sup> Interview, Juba (2023) 71 Mai (2015)

One respondent identified the 2005 Comprehensive Peace Agreement (CPA) as the first affirmative action instrument in South Sudan, which included a 25% affirmative action quota. She said the CPA "gave confidence to South Sudanese women to stand up and call for their rights and request participation." Likewise, Lopidia (2018) stated that the formal inclusion of gender equality in the CPA, via the Interim constitution, and new laws around the 25% affirmative action, led to a flourishing civil society that was more open to women's engagement.

Women activists continued to push for greater inclusion in subsequent peace negotiations, seeking up to 50% representation in the process leading up to the R-ARCSS. As a result, they secured commitments to 35% representation in the final draft and other key provisions protecting women.<sup>73</sup> The 35% affirmative action provisions in the R-ARCSS were reported to have created a baseline for increasing women's overall participation, despite the government's and political parties' low commitment to its implementation.<sup>74</sup> For women in South Sudan, this represents a significant milestone.

The Transitional Constitution of the Republic of South Sudan 2011 was identified by Sebba (2020) as one of the key instruments at the national level, as it "includes provisions that seek to address the historical injustices against women as well as affirmative action to increase the number of women in key policy organs of the state, including the executive."75 Likewise, one respondent stated that "the Bill of Rights in the Constitution of 2011 gave women the right to stand up."76 Respondents also anticipated that the Permanent Constitution, which will be drafted as part of the implementation process of RARCSS, will also include stronger provisions for women, and that women are actively preparing to engage in its development. According to one respondent, ensuring that women's equality issues are enshrined in the Permanent Constitution represents a key strategy to promoting women's engagement in peace processes and broader politics and protecting women's rights in general. She stated, "women activists need to make sure that the basics are captured in the permanent constitution. This would give them the leeway to develop the other laws that protect women."<sup>77</sup>

The most significant instrument mentioned by respondents

is the National Action Plan (NAP) for implementing United Nations Security Council Resolution 1325 on Women, Peace and Security and Related Resolutions (SSNAP). The first SSNAP was launched by the Government of the Republic of South Sudan in May 2015 and endorsed by the Council of Ministers (Resolution No.183/2015) in October 2015.78 This initial SSNAP was set for five years (2015-2020) and based on four key pillars: Prevention, Participation, Protection and Relief and Recovery. The SSNAP outlines specific actions to address the security situation of women and girls, ensure their participation in decision-making processes, eliminate all forms of violence against women and girls, increase their access to justice and health services, and improve their economic security by creating opportunities to access information, credit, employment, education, and skills training. Even though it has not been fully implemented, the SSNAP was viewed as a key commitment by the government, and has been used by women activists to push for their engagement in the High-Level Revitalization Process (HLRP), resulting in the R-ARCSS. Sebba (2020) states that the SSNAP expresses a strong commitment by South Sudan's government towards addressing the conflict's impacts on women, and their specific needs. 79 Likewise, one respondent stated that the SSNAP was the foundation for the government's commitment that women should be part of nation-building and governance.80 In their review of the SSNAP, Boi and Lopidia (2020) observe:

On women's participation in peace processes, it is important to note that the South Sudan NAP was launched at a time when the country was going through conflict and efforts to resolve the political turmoil were underway. However, women used the NAP as an advocacy tool to get access to the IGAD-led peace process. As the situation degenerated after the second conflict in July 2016, women's organizations and activists quickly mobilized and embarked on advocacy missions to Addis Ababa, Brussels, New York and Washington to call for a peaceful resolution of conflict in South Sudan.<sup>81</sup>

Likewise, one respondent stated, "[w]e used the NAP to call out the parties to restrain [themselves] and come to the table. When IGAD initiated the peace dialogue – we advocated and used 1325 and the NAP to ensure [that]

<sup>72</sup> Interview, Juba (2023)

<sup>73</sup> Interview, Juba (2023)

<sup>74</sup> Women's Peace Center (2020)

<sup>75</sup> Sebba (2020)

<sup>76</sup> Interview, Juba (2023)

<sup>77</sup> Interview, Juba (2023)

<sup>78</sup> Boi & Lopidia 2020

<sup>79</sup> Sebba (2020)

<sup>80</sup> Interview, Juba (2023)

<sup>81</sup> Boi & Lopida 2020 p13

women participated in both peace processes (2014-2015) and the HLRP (2017/2018). "82 Women activists, in particular, used the SSNAP to push for the affirmative action in the RARCSS; "we wanted 50%, but came back to 35%, which made it into the agreement."83 Despite being a vital tool for pushing for the inclusion of women in the peace talks, respondents across all groups reported that, on the whole, the SSNAP has largely failed in its implementation. This is due to for two key reasons: it was too ambitious within the context at the time, and more importantly, its implementation was under-resourced by the government. The initial SSNAP period has expired, and it is now under review. The next SSNAP is being developed based on lessons learned during the first SSNAP.

Other key legal instruments (both current and under development) were seen by several respondents as critical to enforcing the government's commitments (which have largely failed to be implemented) towards women's engagement in the peace agreements and the SSNAP. While the peace agreements have taken some critical steps, there was broad consensus that more robust legal instruments are necessary to address the deep gender inequities within South Sudan. These legal instruments include the Gender Equity Bill, the Gender-Based Violence Bill, and the Family law bill. Likewise, Sebba (2020) identified other key laws which, if implemented, would address some of the inequalities holding women back in South Sudan, including "the Child Act (2008), Land Act (2009), Prisons Act (2003), and Local Government Act (2009)."<sup>84</sup>

On February 2, 2023, the Ministry of Gender completed its first draft of the Gender Equity bill and submitted this to the Ministry of Legal Affairs. Once passed, this bill will give a strong legal mandate to the commitments made in the R-ARCSS to the 35% quota and other provisions. <sup>85</sup> Given that the R-ARCSS is a timebound document, enshrining the 35% quota in law would give it a stronger and more enduring mandate, and provide women in South Sudan with the legal instruments to hold their government accountable.

Having a policy on 1325 is one thing; implementation is another. We have continuously noted the exclusionary action and the noncompliance of the 35% quota at all levels. Law breaking is normalized.

We have to have something that holds the parties legally accountable to what they have agreed, so that we can make sure it will be implemented. We need to have something that will bring it to realization.<sup>86</sup>

Likewise, the Gender-Based Violence (GBV) Bill, which has been held in draft form by the Ministry of Legal Affairs since 2021, was highlighted as an important legal instrument for upholding women's rights and addressing the issues raised in the R-ARCSS around sexual-based violence. It was identified as a tool to hold sexual violence perpetrators to account – something which is not currently being implemented by the peace agreement. However, there has been great frustration in the delays in its approval.

The GBV Bill is still in draft form sitting at the Ministry of Justice for the past three years. I was told by someone in the ministry that it is not a priority – they are too busy working on the laws linked directly to the implementation of the R-ARCSS. <sup>87</sup>

According to respondents, the Family Law is imperative to protecting and enshrining South Sudanese women's rights in future legislation. Although this law has not yet been developed, several consultations have been held in relation to it. As one respondent stated, [t]he major insecurity for women is in their own homes. Women stay in abusive marriages because they don't want to lose custody of their children. In the traditional system, women are never given justice and they lose their children. "88

While not directly linked to women's engagement in peace mediation, some of the key barriers to women's engagement in both peace processes and political processes more broadly are linked to social and cultural traditions. <sup>89</sup> If addressed, women would be provided with more space to engage in political life, and reduced risks with regards to political participation. Many of the barriers that women face in their participation in politics and peace mediation are linked to threats to women more broadly. For example, Atem & Lopa (2023) found that many young women were uninterested in politics because of the threats they had witnessed being made to other women activists and politicians. They state:

<sup>82</sup> Interview, Juba (2023)

<sup>83</sup> Interview, Juba (2023)

<sup>84</sup> Sebba (2020)

<sup>85</sup> Interview, Juba (2023)

<sup>86</sup> Interview, Juba (2023)

<sup>87</sup> Interview, Juba (2023) 88 Interview, Juba (2023)

<sup>89</sup> Sebba (2020), Atem & Lopa (2023)

It's not enough to "empower" young women if the cultural, political, economic, and social structural barriers limiting their effective participation and engagement as citizens are not addressed. It's not about adding young women to dysfunctional politics. The efforts of donors and other international actors can be more effective if they [align] national efforts with priorities to address gender inequality in South Sudan, especially on the political front.<sup>90</sup>

Women activists and those advocating for women's increased engagement in peace mediation have used a mix of legal and normative frameworks to push the agenda forward. From the UNSCR1325 to regional and national instruments, women have used these instruments to push for increased engagement, hold their government and political parties accountable, and bring the international community on board to advocate for them. In addition, they seek to shape new instruments to further the gains made for affirmative action and address the barriers blocking women's full and equal participation in peace mediation in South Sudan.

However, despite these legal and normative frameworks, and the commitments made within the Revitalised agreement, the agreement's implementation has lagged behind. Little progress has been made, particularly on the key issues identified by women during the initial peace negotiations. The following section will examine the status of the implementation of the R-ARCSS, with a particular focus on the areas that women have pushed for inclusion in the agreement.

Including women at the negotiation table has meant that women's priorities were included in the R-ARCSS. Key to these priorities were the provisions which guaranteed that women would continue to be at the table in important decision-making processes throughout the agreement's implementation. This included an overall 35% quota, and the inclusion of specific commissions and bodies that were identified as critical to ensure women's involvement. In addition, because of the impact of the conflict on women, particularly the proliferation of sexual violence, the inclusion of gender-based crimes and sexual violence were to receive special consideration under the Hybrid Court.

### 4. Implementation of the Revitalised Agreement

Women in South Sudan have worked hard to get to the negotiating table, to ensure that their priorities were included in the R-ARCSS, and that women were even signatories to the final Agreement. However, four years on, there very little progress has been made in implementing the agreement's provisions, and any gains made by women during this period have been hard-won.

The R-ARCSS has faced many challenges in its implementation for several interconnected reasons. Some account the failures in its implementation to the very nature of the flawed Agreement – one that was pushed through by the international community and inconsiderate of the regional/national complexities.91 Others attribute the poor implementation to a lack of political will, which has played out in several different ways – from delays in setting up key agreement institutions to under-resourcing all aspects of the R-ARCSS, a lack of trust between the parties of the R-ARCSS, and capacity gaps. 92 The transitional period of the R-ARCSS was set to end by February 2023, but, to date, most of the provisions had not yet been met, other than establishing a coalition government at the national and state level and achieving phase 1 of the unification of the forces. 93 The National Constitutional Amendment Committee (NCAC) has prepared laws, and the president has assented to the Constitution Making Progress Act 2022. A 24-month extension was negotiated to push the end of the agreement to February 2025, with a roadmap outlining how it will be implemented during the additional two years. 94 Significant milestones are set out by the Roadmap to be achieved during this period, which will culminate in a national election. There is deep concern that the spread of violence across the country and lack of political will from the parties will continue to block progress.95 As stated by one respondent:

The roadmap is [more] complex [...] than the agreement. Has this been done to confuse people more? Is it taking over the agreement? How realistic is it that everything will happen in 24 months, when there is no political will? There is a lot of pessimism regarding where these things will end.<sup>96</sup>

<sup>90</sup> Atem & Lopa (2023) p. 31

<sup>91</sup> Craze & Marko (2022)

<sup>92</sup> Interview. Juba. Woman MP (2023)

<sup>93</sup> Three Years of the RTGoNU: Unity of purpose to lead the country to enduring peace through implementation of R-ARCSS (imecsouthsudan.org)

<sup>94</sup> Alic et. al. (2023)

<sup>95</sup> Interviews. Juba. Various (2023)

<sup>96</sup> Interview, Juba (2023)

### 4.1 Specific women's priorities in the R-ARCSS

Despite the significant challenges to their participation, women have fought hard for their voices to be heard in the Revitalised process and for their priorities to be included in the signed R-ARCSS. 97 Although some actors would seek to trivialize their participation, women's unique skills, knowledge, and displays of courage have been key to revitalizing the process and bringing important insights to the peace process. 98 According to Lopidia (2019), women's presence during the revitalized peace talks pushed the agenda away from merely reviewing timelines to taking a more holistic review of the R-ARCSS. Some of these key provisions include the 35% quota of women to be included in all positions – including the Executive, one Vice Presidential position, Ministerial positions, and more seats allocated within the various implementation mechanisms. In addition, women have sought to ensure that the transitional justice institutions – the hybrid court, the Compensation and Reparations Authority (CRA) and the Commission for Truth, Reconciliation, and Healing (CTRH) would include their priorities, including through representation. Women were also highly concerned with the reform of the military, to ensure accountability for the armed forces. The conflicts during the civil war have played out on women's bodies; rape was used as a weapon of war, and women are keen to see the armed forces and opposition being held accountable for their actions.99

Another source of interest to women is the decentralization of authority downwards, from the national level to the grassroots level.

Other significant gains for women during the HLRF included the devolution of power to lower levels; the opening of humanitarian corridors articulated in both the cessation of hostilities and in the R-ARCSS; the protection of women, children and people with special needs; and accountability for offences of sexual violence, justice for crimes committed during wartime and reparation.<sup>100</sup>

However, when looking at the implementation of these specific provisions in the agreement, many of the key priorities which women have pushed for have yet to be realised. Sebba (2020) has examined the implementation of the revitalized peace agreement from a gender perspective and identifies several challenges facing women in the implementation process – issues which are still of concern in our interviews three years later. Sebba attributed these challenges to "patriarchy, political will, limited funding, ethnic politics, weak institutions, and the high illiteracy rate among women." <sup>101</sup>

The following section explores some of the key provisions in the peace agreement and the status of their implementation.

#### **Chapter 1 – Revitalised Transitional Government of National Unity (TGoNU)**

1.4.4 Provisions of the Transitional Constitution of the Republic of South Sudan and ARCSS on participation of women (35%) in the Executive shall be observed. In particular, in their nomination to the Council of Ministers, Incumbent TGoNU shall nominate no fewer than six (6) women, SPLM/A-IO shall nominate no fewer than three (3) women, and SSOA shall nominate no less than one (1) woman.

1.12.2 In accordance with the agreed guarantee of 35% participation of women in the Executive, the Parties to the RTGoNU shall nominate no fewer than twelve (12) women to the Council of Ministers in line with Article 1.4.4 above. Parties shall give due consideration to national diversity, including regional representation, in nominating their candidates.

1.12.5 In accordance with the revitalized provisions on the participation of women in the executive, no fewer than three (3) of the Deputy Ministers shall be women.

97 Sebba (2020) p. 5 98 Sebba (2020) p 30 99 Lopidia (2019) 100 Lopidia (2019), p. 64 101 Sebba (2020) p28 1.14.5 Without prejudice to the recommendations of the IBC, the Speaker of the Council of States shall be nominated by the SPLM/A-IO, Deputy Speaker shall be nominated by the Incumbent TGoNU, and shall be a woman, and Deputy Speaker shall be nominated by SSOA. For the purpose of regional inclusivity required in a body representing the States, each of the Speaker and Deputy Speakers shall come from former regions.

According to Sebba, while the above provisions in Chapter 1 outline how women should be included in revitalized transitional government and increase the quota from 25% to 35%, there are shortfalls regarding the explicit statement of their participation at senior level positions within the executive branch. In addition, the document fails to include a provision around the Council of States (COS), the Transitional National Assembly (TNA), and within local government. <sup>102</sup> Moreover, the Criteria for selecting women for positions are not clear, which could undermine the goal of affirmative action in the long run:

It was ascertained that there were no criteria for the selection of the vice president. The only qualifier for her appointment was because she was a widow of one of the founding fathers. <sup>103</sup>

Finally, Sebba observes that, while the text of the agreement included women, the process metrics for monitoring the actual implementation of the 35% were missing.<sup>104</sup>

Although there is a woman Vice President, and some key positions have been given to women, the 35% quota has hardly been met.<sup>105</sup> Women have been appointed into key ministerial posts, but have then been replaced by presidential decree, with no justification.<sup>106</sup> For example, the Ministry of Foreign Affairs was originally given to a woman, but she was subsequently removed from this position without explanation.<sup>107</sup> More recently, on March 3, 2023, the position of Minster of Defence, given to Angelina Teny (SPLM-IO), was removed by a presidential decree, and this ministry has since been allocated to the SLPM-IG.<sup>108</sup>

The RJMEC Evaluation Report of the Implementation of the R-ARCSS reported that the appointments of the Council of Ministers in March 2020 "did not adhere to the 35% women's participation in the Executive, as only nine women (26%) were appointed to the ministerial portfolios and only one woman (10%) as a deputy minister." <sup>109</sup> However, in the reconstituted TNA and COS in 2021, the Speaker and Deputy Speakers were both women. In addition, RJMEC reported that, "[i]n January 2022, 44 members of the Specialised Committees of the reconstituted TNLA were named, 21 of whom are female (48%)." <sup>110</sup>

Regarding the State level, RJMEC reported that of the 10 appointed Governors, only one is a woman (10%), nominated by SLPM-IO. However, three Deputy Governors are women (still only 30%).<sup>111</sup>

When respondents were asked why the 35% quota has not been implemented, many reasons were given. The key issue identified was the lack of political will among political parties to put women forward for key positions. <sup>112</sup> Others blamed IGAD and the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) for not monitoring and holding the parties accountable to this quota, and for focusing on other issues:

Political parties always nominate male candidates, but according to the agreement, IGAD (through JMAC) is supposed to approve the appointments. [However,] when it's an agreement with political parties, they will send it back on some issues, but turned a blind eye to the gender issues. [...] They turned a blind eye on the gender issues, but were critical on other issues/provisions of the Agreement [...] the gender did not hit. <sup>113</sup>

<sup>102</sup> Sebba (2020) p38

<sup>103</sup> Sebba (2020) p33

<sup>104</sup> Sebba (2020) p40

<sup>105</sup> In conversations with various government, women's group etc, we heard very many different figures given for the actual level of women in key positions — depending on the time and also how the women quota was being interpreted — regardless, it was very clear that the 35% has not been met.

<sup>106</sup> Interviews, Juba various (2023)

<sup>107</sup> Interview, Juba (2023)

<sup>108</sup> South Sudan president fires defence and interior ministers | Reuters

<sup>109</sup> RJMEC (2022) Evaluation Report on the Status of implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) During the Transitional Period 22 February – 22 June 2022.

<sup>110</sup> ibid

<sup>111</sup> ibid

<sup>112</sup> Sebba (2020) p 30

<sup>113</sup> Inteview, Juba (2023)

According to respondents, without the international community's support in pushing the government on the issue of the 35% quota, there would be no progress in ensuring women's inclusion in key positions within the government.

Having a policy is one thing, implementation is another. I have continuously noted the [degree of] exclusionary action and the noncompliance of the 35%. At the state/administrative level, out of 13 Governors, we should have 4 women. Currently, there is only one [female] governor. At the State level, the appointment of ministers etc., is completely not even reaching 20%.<sup>114</sup>

However, this reliance upon the International Community to push for the implementation of the 35% quota also has drawbacks. As stated by one respondent, "[w]hen we are in these spaces, the men only see us as cards to show the international community, but they don't really believe that we should be there." 115 Some respondents felt that the 35% quota needs to be enshrined in a National Equity Bill, which would hold the political parties and the government legally responsible for its implementation. To this end, the Ministry of Gender submitted this bill to the Ministry of Justice in February 2023. However, there have been fears that this bill will suffer the same fate as the Gender Based Violence Bill, which has been held in draft form at the Ministry of Justice for the past 3 years. 116

In addition to the lack of political will, Sebba et. al found that women face diverse challenges to their political participation: Despite the 35 per cent Affirmative Action, women's political participation is further hindered by limited access to financial resources and information, greater family responsibilities, inadequate skills in politics, weak political commitments as well as a male dominated electoral environment and a general deprivation of rights.<sup>117</sup>

Moreover, one respondent felt that the women's movement had failed to adequately support women who held key positions, particularly regarding the Minister of Defense (a woman, at the time of the interview), stating that, "[w] e have put a sister to wrestle with the bull, but we are nowhere to support her. And we will blame her when she fails." 118

In terms of aligning governance with the grassroots level, some respondents argued that the agreement has consolidated power in the hands of the ruling party – with the president using presidential decree to appoint all positions from ministerial level to governors. 119 At the state level, the split of the Governor and Deputy Governor positions between the SPLA-IG and the SPLA-IO has created several challenges and difficulties. 120

In short, while important steps have been taken in the provisions of the agreements, South Sudan's governance has failed to achieve the agreement's implementation, and women face an uphill battle against the lack of political will and cultural and social barriers that block them from achieving their rightful representation according to the agreement.

#### **Chapter II: Permanent Ceasefire and Transitional Security Arrangements**

Given that the security arrangements in South Sudan are of key interest to women, the following key provisions specifically mention the protection of women, and how women should be involved in the arrangements (as part of the 35%):

- 2.1.10 The Parties shall refrain from prohibited actions outlined in the CoHA of 21st December 2017 which inter-alia include but are not limited to:
  - 2.1.10.2 acts and forms of sexual and gender-based violence, including sexual exploitation and harassment;
  - 2.1.10.7 Parties shall adhere to the obligations outlined in the CoHA of 21st December 2017, which inter-alia include but are not limited to:

<sup>114</sup> Interview, Juba AB

<sup>115</sup> Interview, Juba, LM

<sup>116</sup> Interview, Juba, VR

<sup>117</sup> Sebba (2020) p 39

<sup>118</sup> Interview, Juba, LM

<sup>119</sup> Interviews, Juba, various

<sup>120</sup> Craze & Marko (2022)

2.1.10.7.5 protection of the needs of women, girls and those other groups of special needs;

2.4.8 The CTSAMVM Board membership shall comprise the representation of:

2.4.8.4 The Women's bloc: one (1) and Other Women groups one (1):

2.5.1 The Current Strategic Defense and Security Review (SDSR) shall be reconstituted during the Pre-Transitional Period of the Agreement through the restructured multi-stakeholder Revitalied Strategic Defense and Security Review Board (RSDSRB) comprising the following:

2.5.1.7 One (1) Women's Bloc and Other Women groups one (1)

The security sector in South Sudan is primarily viewed as a male domain, especially regarding its leadership, with women's involvement limited and often unrecognised.<sup>121</sup> While there have been women in the military throughout the history of South Sudan – including a female battalion during the civil war with Sudan – women have primarily been relegated to traditional roles of caregivers if they have been in the military, rather than in roles of leadership or decision-making.<sup>122</sup>

... during the early stages of the civil war, there was a battalion in Jonglei within the SPLA ranks known as Ketiba-banat, made up exclusively of girl volunteers and trained in Ethiopia. Although this battalion has been described as a formidable force, after their first battle in Njoko, the SPLA high command refused to put them in the front lines. A policy was established not to send women into the front line on the grounds that the civil war was forecasted to last for a long time and exposing women on the front line meant potentially sacrificing many generations.<sup>123</sup>

Sebba (2020) states: "Whereas there have been several efforts at gender mainstreaming into the security sector, women's participation in the armed forces and indeed the peace processes is largely hindered by cultural factors that see women as of subordinate status." 124 Having a woman, Angelina Jany Teny, appointed to the highest level in the Ministry of Defence was a significant achievement for women. However, she faced many challenges in her role, and her unceremonious removal has sparked much debate.

There was broad consensus among respondents that little progress had been made in reducing the high levels of sexual and gender-based violence perpetrated by security actors, with little accountability for their crimes. <sup>125</sup> According to the Commission on Human Rights in South Sudan's situation report during the first quarter of 2022:

Conflict-related sexual violence against women and girls is widespread and systematic throughout South Sudan. Ongoing conflict across the country, including in the Equatorias, has created a perilous situation of great insecurity for women and girls, exacerbated by a lack of accountability for sexual and gender-based violence. Widespread rape and sexual violence in armed conflict, while complex, can be attributed to a patriarchal society, and is reflected in the inferior status of women maintained by the State and its institutions, creating conditions in which these violations thrive.<sup>126</sup>

Likewise, the RJMEC Quarterly Report from Oct-December 2022 found:

Although cases of SGBV by uniformed forces have reduced since the instituting of the SSPDF District Court Martials in 2020, RJMEC continues to receive CTSAMVM reports of rape cases allegedly committed by some within the armed forces.<sup>127</sup>

The South Sudan Humanitarian Needs Overview 2023 states:

<sup>121</sup> Sebba (2020)

<sup>122</sup> Chol (2023)

<sup>123</sup> McCallum and Okech (2008: p 47)

<sup>124</sup> Sebba 2020 p 41

<sup>125</sup> Sebba 2020 p 47

<sup>126</sup> HRC (2022) Conflict Related sexual violence against women and girls in South Sudan.

<sup>127</sup> RJMEC Quarterly Report 017

Women and girls continue to be exposed to risks when carrying out their routine activities to access their basic needs, which are further exacerbated by flooding that limit livelihood opportunities (e.g., collection of firewood and water). Increased cases of sexual violence against, and harassment of, women and girls were also reported, along with the risks of abduction, killings, revenge killings and threats from armed forces 128

In the interviews conducted in Yei and Juba, women continued to fear for their safety at the hands of military actors and had little trust in the existing mechanisms to hold the perpetrators to account. RJMEC reported that, in the last quarter of 2022, 42 soldiers were convicted of crimes against civilians, including SGBV. The mobile courts set up to hold the military actors accountable for crimes against civilians offer empty promises. According to interviews in Yei, although initially welcomed by communities with high expectations, the Mobile Courts have not held perpetrators accountable and have put the victims at greater risk.

In 2020 and then 2022, I attended the court martial process (mobile courts). There was no justice, it was just there to cover people; we were deceived to attend, and we attended. We were told that the perpetrators were to be stripped of their ranks, but they are still here moving in town. The culprits were brought, people were happy that they would be held accountable. But they are still here in the same uniforms. Now, there is no trust in the Mobile courts – the perpetrators are still moving freely, the compensation was not given, and the victims are afraid to move in town because the perpetrators are still around, and they are afraid. We have advised some of them to move from the town. I even went

to the legal advisor to talk to them and told them that the ones roaming in town should be arrested, but no one has taken that step. The first mobile court was in 2020 and the second on in 2022. Some of the women have told me that if they get raped, they will just go for treatment but won't report it to the court because it will destroy their reputation.

[The court set up in] 2020 was ok, but the second one [...] everyone brought [in] was from the same tribe, they were using classic Arabic and were not allowed to hear the survivors. The language was too difficult. The lawyers were also in uniform. In the first one, the South Sudan Law Society was there, and [the victims] were advised and had support, but [during] the last time we were alone. They were also forcing/shutting down the person from speaking – they made the survivors fear and were in a rush. It was not fair at all, and the survivors had no protection. 129

The protection of women – and the population more broadly – from abuses by the security forces was the focus of many of our conversations, particularly in Yei. The government's lack of implementation of the agreement in this area has created a high level of frustration and distrust by women at the grassroots level.

In terms of including women within the military, particularly the monitoring of the ceasefire, the two monitoring boards address the specific inclusion of both the Women's bloc as well as other women's groups. Sebba et al. found that, of all the governance structures put in place, only CTSAMVM exceeded the 35% quota, with women accounting for 42.8% of its membership in 2020.<sup>130</sup>

#### **Chapter III. Humanitarian Assistance and Reconstruction**

3.1.2 During the Transition, the RTGoNU shall:

3.1.2.2 Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.) in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services:

<sup>128</sup> South Sudan Humanitarian Needs Overview 2023 (November 2022) - South Sudan | ReliefWeb

<sup>129</sup> Interview, Yei (2023)

<sup>130</sup> Sebba 2020 p42

This chapter of the agreement has few specific references to women or women's roles. For example, although it falls under the 35% quota, the board of the Special Reconstruction Fund (SRF) does not explicitly set aside a specific position for women, unlike other mechanisms.<sup>131</sup> Sebba et al. further observe that while other ministries (Education, Agriculture and Food Security, Finance, Humanitarian Affairs and Disaster Management) are

represented on the board of the SRF, the Ministry of Gender is not allocated a seat on the board. The explicit mention of women is only under the special consideration clause, amongst other conflict-affected persons.

Humanitarian needs remain extremely high in South Sudan<sup>132</sup>, and in terms of this provision, there has been little progress.

#### **Chapter IV: Resource, Economic and Financial Management**

As stated by one of our key respondents, "If we are not negotiating women's interests in resource management, we are missing out." 133

Key provisions in Chapter IV that outline how women will participate and benefit in Resource, Economic and Financial Management include:

- 4.2.2. The Bank of South Sudan shall:
  - 4.2.2.5 have a board of nine (9) members, at least 3 shall be women, appointed by the President in consultation and agreement with the First Vice President and the Vice Presidents.
- 4.4.1. In order to fight corruption, the RTGoNU shall:
  - 4.4.1.5 Involve media, civil society, women's organisations, youth and faith leaders in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption.
  - 4.15.1.5 Establish a Women Enterprise Development Fund for provision of subsidized credit for women-based enterprise development and capacity building of women entrepreneurs;

Under this chapter of the R-ARCSS, women are to be allocated at least three seats on the board of the Bank of South Sudan (BOSS). Women and civic organisations are identified as key players in addressing corruption, and a specific fund for women's enterprise development was specified in the provisions. However, according to the official website of the Bank of South Sudan, only 2 of the 8 members on the board are women.134 In addition, there are no women in Senior Management roles in the Bank.135

Little civic space exists for civil society and women's organisations to fight corruption. We repeatedly heard stories of how civil society and women leaders have been harassed for raising concerns regarding corruption and poor governance, and that the government has very

little tolerance for whistleblowing.136 According to civil society actors, their activity is very closely monitored. Demonstrations are not allowed, and even having any kind of training or community meeting is restricted and monitored. 137 Sebba likewise found that CSOs involved in the peace process are often seen as partial and linked to a political party, and are therefore looked upon with suspicion.

The Women's Enterprise Development Fund has yet to be established. However, in October 2022, the Minister of Gender, Child, and Social Welfare announced that it would soon be established with a budget of 70 million dollars. <sup>138</sup> The Ministry of Gender has been tasked with drafting the bill for this Fund. <sup>139</sup>

<sup>131</sup> Sebba 2020 p 33

<sup>132</sup> South Sudan Humanitarian Needs Overview 2023 (November 2022) - South Sudan | ReliefWeb

<sup>133</sup> Interview, Juba (2023)

<sup>134</sup> Board of Directors - BoSS | Bank of South Sudan

<sup>135</sup> Management - BoSS | Bank of South Sudan

<sup>136</sup> Interviews in Juba and Yei with civils society actors all highlighted the risks they face. (2023)

<sup>137</sup> Interview Yei (2023)

<sup>138</sup> Weaving Together: Third Annual Women's Conference in South Sudan | HealthNet TPO

<sup>139</sup> RJMEC (2022) Evaluation Report

Despite these obstacles, women activists and civil society continue to push for women's increased participation in conversations around public finance management reform. SUDEMOP has been engaged on the technical committee,

and has advocated for a Gender Advisor and a seat for civil society on the technical committee. The Ministry of Gender has also been brought into the process. 140

#### Chapter V: Transitional Justice, Accountability, Reconciliation and Healing

This chapter outlines the three 'mutually but independent mechanisms' of the R-ARCSS – the Commission for Truth, Reconciliation and Healing (CTRH), the Hybrid Court (HCSS), and the Compensation and Reparation Authority (CRA). According to Akech (2022):

The grand aim of these mechanisms is to champion reconciliation, local peacebuilding, and judicial accountability.... they play an important role in creating an enabling environment leading to the constitution-making process.<sup>141</sup>

According to respondents, these mechanisms are of critical interest to women in South Sudan as they are seen as mechanisms to hold the armed forces and different factions accountable for the sexual violence and crimes they committed during the war and reparations. However, little progress has been made in constituting the much-anticipated transitional justice institutions, and there is no clarity when they will be established.

Specific provisions in this chapter that specifically reference women's interests and involvement are:

- 5.1.1 Upon Establishment, the RTGoNU shall initiate legislation for the establishment of the following transitional justice institutions (observe the 35% women representations in these institutions):
- 5.2 Commission for Truth, Reconciliation and Healing (CTRH):
  - 5.2.1.3. The Ministry of Justice and Constitutional Affairs of the RTGoNU, in collaboration with other stakeholders and civil society, shall conduct public consultation for a period not less than one (1) month prior to the establishment of the CTRH, to inform the design of the legislation referred to in Chapter V, Article (5.1.1.) above. Such consultations shall ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated into the resultant legislation.
  - 5.2.2.3 With out prejudice to its mandate, the Functions of the CTRH are to:
    - 5.2.2.3.5 record the experiences of victims, including but not limited to women and girls;
  - 5.2.3.2 The CTRH shall be composed of seven (7) Commissioners, four (4) of whom shall be South Sudanese nationals, including two (2) women. The remaining three (3) Commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national, deputized by a non-South Sudanese national.
  - 5.2.4.1 the CTRH shall implement measures to protect victims and witnesses, in particular, youth, women, and children. Such protection measures shall include, but shall not be limited to the conduce of in camera proceedings and the protection of the identity of a victim or witness.
- 5.3 Hybrid court for South Sudan (HCSS)
  - 5.3.2.1 the HCSS shall have jurisdiction with respect to the following crimes:
    - 5.3.2.1.4 Other serious crimes under international law and relevant laws of the Republic of South Sudan including gender-based crimes and sexual violence.

#### 5.4 Compensation and Reparation Authority (CRA)

5.4.2.2 (The CRA) Shall be composed of an executive body that shall include but not limited to:

5.4.2.2. Representatives of CSOs, Womens groups, Faith based leaders, Business Community, youth and traditional leaders.

The provisions in this chapter are bolder than the previous chapters, in terms of the inclusion of women beyond the 35% quota and setting out minimum numbers of women Commissioners. In addition, the specific experiences of women, specifically gender-based crimes and sexual violence, are identified as relevant to the HCSS jurisdiction. This is especially important given the high level of sexual violence during the conflict.

According to South Sudan Women's Network (SSWEN), given the level of violence [that] women face in South Sudan, a successful transitional justice process needs to pay special attention to the gender dimensions of the conflict.<sup>142</sup>

However, overall, little progress has been made in meeting the implementation timelines for the provisions of Chapter V. According to the RJMEC Quarterly Report 017 (Oct-Dec 2022), the Ministry of Justice and Constitutional Affairs (MoJCA) was still drafting the related bills for the three key institutions, with a plan to share drafts of the CTRH and CRA Bills for validation by end of January 2023. 143 We could not find any evidence in our research that the drafts had been finalised or that any consultations had been held by the time of writing.

#### **Chapter VI: Parameters of the permanent Constitution**

This chapter contains little specific reference to women's engagement in the Permanent Constitution-making Process. However, it does include the principles of gender equity and affirmative action (provision 6.2.2) and mentions consultations with women groups (among many others), as well as ensuring that women's groups are represented in the reconstituted national Constitutional Review Commission (NCRC).

- 6.2 The Permanent Constitution-making Process shall be based on the principles of:
  - 6.2.2 Initiate a Federal and democratic system of government that reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action.
- 6.6 The Executive of the Revitalised TGoNU after adequate consultations with all stakeholders including the political parties, Civil Society Organisation, Women groups, youth and Faith-based groups, shall reconstitute the National Constitution Review Commission (NCRC) and appoints a preparatory subcommittee for convening a National Constitutional Conference (NCC) in accordance with the Act governing the constitution making process;
- 6.14 The RTGoNU shall review the ongoing permanent Constitution-making process and reconstitute the National Constitutional Review Commission (NCRC). In order to ensure quality of participation and inclusiveness in the reformulated Constitution review process, the composition of the reconstituted NCRC shall include but not be limited to representatives of the RTGoNU, Political Parties, faith-based groups, womens groups, youth, ethnic minorities, representatives of the private sector, CSO groups, academics, people with special needs and other professionals. The process of appointment shall be defined in the reviewed and enacted legislation governing the constitution-making process.

<sup>142</sup> Sebba 2020 p 47

<sup>143</sup> RJMEC (2023) Quarterly Report No. 017

The implementation of the provisions set out in this chapter has been significantly delayed, with the Constitution Making Process Act only being approved in late December 2022. 144 This is a key piece of legislation which outlines the process for achieving one of the milestones in the

roadmap. Many women activists reported being keen to ensure that strong gender equity provisions are included in the Permanent Constitution, and that this is a key priority on their agenda.

#### **Chapter VII: Joint Monitoring and Evaluation Commission**

The Joint Monitoring and Evaluation Commission (JMEC) is responsible for monitoring and overseeing the implementation of the Agreement. It also oversees the Ceasefire and Transitional Security Arrangements Monitoring Verification Mechanism (CTSAMVM), and all other transitional institutions created by the agreement. The following provisions specify the minimum quota for women's engagement:

- 7.2.2 Other South Sudanese Stakeholders and Adherents, thirteen (13) representatives:
  - 7.2.2.2 Women- two (2) representatives (Womens Bloc one (1) and Women's Coalition one (1)
  - 7.2.2.5 Business groups two (2) representatives (one male, one female)
  - 7.2.2.7 Youth two (2) representatives (one male, one female)

The Chairperson releases a Quarterly report on the progress of the implementation of the Revitalized peace agreement. Sebba has observed gender gaps in the monitoring of the provisions of the agreement, stating that, "[t]he gap lends itself to either a lack of political will to integrate gender into the implementation processes or a lack of capacity on how to monitor implementation of the gendered provisions of the agreement." <sup>145</sup> In a review of the 2022 Evaluation Report, more attention was given to gender disaggregation and gender monitoring of the R-ARCSS. <sup>146</sup>

### Signatories and Guarantors of the Agreement

In addition to the provisions of the R-ARCSS, the gender gap is revealed by a breakdown of the signatories and guarantors of the agreement.

#### I. The Parties –

- The four main signatories are the key warring groups (SPLA-IG, SPLA-IO, SPLM-Former Detainees and South Sudanese Opposition Alliance SSOA), and as such all the signatories are men.
- For other Political Parties (OPP) of South Sudan-six other parties are signatories to the agreement – all of whom are signed by men.

#### II. Stakeholders; 17 signatories - 7 of whom are women.

- Faith Based leaders two men
- Eminent personalities two men, one woman (Hon. Rebecca Nyadeng Garang)

- Three women's networks/organisations (Womens Bloc, Women's Coalition, Gender Empowerment for South Sudan)
- Civil Society Delegates/Alliances one woman, five men
- Academia a woman
- Youth- a woman

#### **III The Guarantors:**

- IGAD Heads of State and Government (6) all men
- African Union High Level Ad-Hoc Committee for South Sudan and African Union Commission (6), all men
- IGAD-led Mediation (2) both men
- International Partners 2 signed, men

<sup>144</sup> RJMEC (2023) Quarterly Report October-December 2022

<sup>145</sup> Sebba (2020) p.30

<sup>146</sup> RJMEC Evaluation Report

Reviewing the signatories shows that, while progress has been made – particularly in the perception of women as key stakeholders in the mediation process – the fact that women are often not the key aggressors in conflicts renders them to secondary roles. Moreover, the guarantors to the process, drawn from leadership in key regional institutions, shows a very strong male bias.

A review of the R-ARCSS agreement reveals that significant progress has been made in terms of getting women to the negotiating table, resulting in the inclusion of some of their key interests and ensuring provisions for their engagement in the agreement's implementation. However, overall implementation of the agreement has been very slow. Women continue to work at all levels to capitalize on the provisions but face an uphill battle in terms of the lack of political will, lack of resources, and the cultural and social barriers they have to overcome on a daily basis.

The lack of political will and institutionalisation of the gains made towards women's inclusion during the revitalised peace agreement has been made starker by the ongoing Rome process. The Rome process has, with very few exceptions, excluded women's participation or engagement at the negotiation table. This has been the case despite the strong engagement of women in the HLPF and their successes in attaining key provisions in the R-ARCSS. To this end, the next section seeks to illustrate the fragility of the gains made by women to be at the negotiation table, especially when there is little political will to genuinely include women in peace negotiations, without external pressure.

#### 5. The Rome process

Although often portrayed as a bilateral conflict between the SLPA-in Government and the SLPA in Opposition, the civil war in South Sudan is much more complex. Several other armed actors with shifting alliances and allegiances have also been involved. During the revitalised peace process, several of these actors formed an Alliance called the South Sudan Opposition Alliance (SSOA). While some members of the SSOA signed the peace deal on September 12, 2018, the members who did not sign formed a new alliance, the South Sudan National Democratic Alliance (SSNDA), under the leadership of Lt. Gen. Thomas Cirillo Swaka (the leader of the National Salvation Front). In August 2019, SSNDA merged with other groups to form the South Sudan

Opposition Movement Alliance (SSOMA). Since late 2019, the non-signatory groups, called the 'hold out groups' by the government (a derogatory term), have engaged in peace talks facilitated by the St. Egidio community in the 'Rome process' and signed a Cessation of Hostilities agreement on January 12, 2020. While this declaration initially reduced the violence, NAS and the SSPDF resumed clashes in the summer of 2020.

The largest and most influential of the non-signatory armed groups is the National Salvation Front (NAS), led by Lt. Gen. Thomas Cirillo Swaka. General Cirillo, a former deputy Chief of Logistics for the SPLA, accused the President, Salva Kirr, of 'promoting ethnic favouritism in the military and deviating from the principles for which they launched the struggle to liberate South Sudan.' 147 Founded on March 6, 2017, NAS merged on March 9 with the Cobra Faction led by Khalid Boutros. 148 In early 2018, NAS joined SSOA. Two groups separated from NAS and signed the Revitalised peace agreement – NAS-KB under Khalid Boutros, and the Equatoria Non-Allied Forces (ENAF) under General Kenyi Lo Buron. 149 In 2020, another group broke off, creating the Democratic Resistance Movement (DRM). 150 NAS has mainly operated in the Equatoria states, clashing with both the South Sudan Peoples Defense Force (SSPDF) and the SPLM-IO forces, resulting in high displacement over the past few years.

Currently, the group includes the National Salvation Front (NAS), South Sudan United Front (SSUF), the Real SPLM – headed by Pagan Amum, South Sudan People's Patriotic Movement (SSPPM), SPLM-IO-Kitgwang of Gen. Simon Gatwech Dual and SPLM-IO of Gen. Johnson Olony.

Since early 2020, the community of Sant'Egidio has been facilitating peace talks between the non-signatory groups, the government, and the SLPM-IO. According to various sources, Sant'Edigio was chosen to facilitate these talks for several reasons. First, there was a strong distrust by the non-signatories, particularly by Thomas Cirillo, towards the IGAD facilitation, which had been seen as driven by Sudan and Uganda, both of whom were seen to have vested interests in the country and subregions. In addition, it was speculated by one respondent that the fact that both Salva Kiir and Thomas Cirillo come from the Catholic faith could be seen as a connecting point between two of the most contentious parties. Sant'Egidio has been operating in South Sudan for some years and has successfully facilitated a peace agreement in Mozambique. 151

<sup>147</sup> Gen. Swaka explains source of S. Sudan conflict, appeals to Museveni - New Vision Official

<sup>148</sup> SSDM-Cobra Faction dissolved, merged with Cirillo's rebels | Radio Tamazuj

<sup>149</sup> NAS splinter group signs peace pact with government in Yei | Radio Tamazuj

<sup>150</sup> A new opposition movement, DRM launched | Radio Tamazuj

<sup>151</sup> Interview, Juba, Sant'Egidio staff member (2023)

The negotiations have faced several challenges, including the splintering of the non-signatory groups, and the facilitation of parallel processes – with both the government and the non-signatory groups withdrawing from the process at various times. The negotiations have mainly been held in Rome, which has further limited participation to the aggressors, making it challenging for other actors, including civil society and women, to engage directly with the negotiations in real time.

In January 2020, the first round of negotiations was held, with 50 delegates drawn from the government and the various political forces of the opposition, including SSOMA, SPLM-IO, and NDM. In addition, IGAD, the UN, and the EU attended as international observers.<sup>152</sup>

A key result of the meeting was that the non-signatories signed the Rome declaration with the government and other parties, in which they committed/recommitted themselves to adhere to the Cessation of Hostilities agreement (CoHA) of December 2017. They also agreed to allow humanitarian access. <sup>153</sup> As a result, SSOMA was also included in the CoHA monitoring mechanism, particularly the CTSMVM.

However, SSOMA experienced internal difficulties and split in October 2020, Thomas Cirillo, suspended the membership of Malong's SSUF and Pagan Amum's Real Sudan People's Liberation Movement (R-SPLM) from SSOMA<sup>154</sup>.

In November 2020, after several rounds of peace talks, a segment of SSOMA attended a technical workshop on the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), aimed at upholding the Cessation of Hostilities Agreement (CoHA). The workshop, however, was suspended by SSOMA when it accused the SSPDF of breaching the ceasefire and attaching a NAS base Lobonok. 155 However, they ultimately concluded the workshop and agreed on the next steps for SSOMA to be represented in the CTSAMVM structures. SSOMA joined the (CTSAMVM) in mid-November to uphold the CoHA.

In December 2020, the parties signed a Declaration of Principles. This agreement included provisions regarding the federal nature of government and the division of powers; national identity and respect for ethnic, cultural, and linguistic differences; the creation of the National Constitutional Conference (NCC) and the National Constitution Review Commission (NCRC), and the creation of an oversight mechanism on economic governance (revenue, budget, and expenditure).

Given the split in the SSOMA, St. Egidio continued to pursue bilateral talks with the two separate factions, with talks with the SSOMA faction led by Malong and Amum held in early 2021 in Nairobi (despite some Covid-19-related delays). Continued violence made the peace talks challenging, with an exchange of accusations of parties not abiding by the ceasefire terms, and the government suspended its participation in the peace talks. <sup>156</sup>

In late 2022, the SSOMA group reunited under a new umbrella – the Non- Signatories South Sudanese Oppositions Group (NSSSOG), now comprised of six groups - the United Democratic Revolutionary Movement/Army UDRM/A, National Democratic Movement Patriotic Front (NDM-PF), National Salvation Front (NAS), South Sudan United Front/Army (SSUF/A), Sudan National Movement for Change (SSNMC), and the Real SPLM. <sup>157</sup> <sup>158</sup> Pagan Amum was appointed spokesperson for the group, composed of the Real SPLM and SSUF (formerly one faction) and NAS, NDM-PF, SSNMC/A and UNDRM/A (the second faction led by Cirillo).

However, in November 2022, the government suspended their participation in the Rome Process and withdrew from planned talks that were to resume on November 28.<sup>159</sup> St. Egidio visited Juba in December to meet with the government and, at the same time, met with civil society and religious leaders. In January 2023, in anticipation of the visit of the Pope to South Sudan, the government announced the resumption of the Rome Process.<sup>160</sup>

#### **5.1 Current status of the Rome process**

As outlined above, the Rome process has been ongoing since 2019 and has faced numerous challenges, including continuing and escalating violence, disagreements within the non-signatory groups, and a withdrawal from the agreement at various times by different factions. Speaking with community members and activists in Yei River County,

<sup>152</sup> South Sudan, Sant'Egidio: new progress towards peace | NEWS | COMMUNITY OF SANT'EGIDIO (santegidio.org)

<sup>153</sup> Sant'Egidio Facilitates "cessation of hostilities, humanitarian access" in South Sudan (aciafrica.org)

<sup>154</sup> SSOMA splits into two at Rome peace talks. – southsudantmz (wordpress.com)

<sup>155 &</sup>lt;u>SSOMA condemns attacks on NAS bases in Equatoria region - Sudan Tribune</u>

<sup>156</sup> President Kiir faults SSOMA for violating ceasefire, says Rome talks on hold | Radio Tamazuj

<sup>157</sup> Gen. Pagan Amum appointed spokesperson for holdout opposition group | Radio Tamazuj

<sup>158</sup> SSOMA factions reunite under one structure | Radio Tamazuj

<sup>159</sup> Impagliazzo: Sant'Egidio not giving up on peace mediation | Radio Tamazuj

<sup>160</sup> South Sudan to resume talks with holdout opposition groups - Sudan Tribune

which has been dramatically impacted by the conflict between the government, the SLPM-IO, and the NAS group, there was a high level of frustration at the slow rate of the process, and the lack of consultation from the grassroots. The local community's knowledge of what was happening in Rome was limited to press releases from the government, and their engagement - despite bearing the brunt of the conflict – was next to nil.

Community members identified several reasons behind the lack of progress made in the peace talks. First, it was mentioned that the government (and politicians in Juba) are not interested in stability within the region. This was attributed to two main reasons. First was the issue of cattle keepers – a narrative that they are coming to take over the land and push the people of Equatoria out – since most of the cattle belong to politicians and military commanders based in Juba. Respondents felt that if the situation was resolved, there would be more political pressure for the cattle keepers to be returned to their home areas, which was not in the interest of the Nuer or Dinka leaders in Juba. The second reason for the parties' lack of interest in negotiating was that Equatoria is rich in natural resources, including gold, teak, and mahogany. Military commanders on both sides were reported to be making a profit from harvesting these resources, giving little incentive for the rule of law to be reestablished in the area. 161

Moreover, it was reported that there were key issues which the government and the NAS fundamentally disagreed on. These include the issue of Federalism and the agreement regarding the 'root causes of the conflict'. A key issue identified by NAS and other non-signatories is the conflict's roots in ethnic politicisation and identification, which the government is unwilling to endorse.

NAS and its allies defined the ongoing war as a tribal-political war but the Government in Juba refused and said it was a political war. We rejected the idea and insisted that it is a tribal-political war... The beginning of the war was tribal and certain sections of the Nuer ethnicity were targeted in Juba by elements that were supported by the government. Currently, there is a political-tribal war in South Sudan, and unless there is a real definition of the war, we cannot see progress in the (Rome) negotiations.<sup>162</sup>

Finally, the space for civil society in Yei has shrunk significantly. Civil society actors are watched and threatened, particularly by the National Security. While some religious actors can move freely and engage in peace negotiations

at the local level, there is a lot of suspicion and threats for other local actors to try and engage in the Rome process, as they may be seen by National Security as supporting NAS.

#### 5.2. The St. Egidio's Method

The Rome Initiative, led by the Community of Sant'Egidio, is an international effort aimed at promoting peace, dialogue, and reconciliation in areas affected by conflicts or political crises. The Community of Sant'Egidio is a lay Catholic association that focuses on humanitarian and social activities. The Rome Initiative is known for its involvement in facilitating peace negotiations and mediation processes, particularly in Africa. It seeks to bring conflicting parties together, encourage dialogue, and foster an atmosphere of trust and understanding. The initiative aims to promote peaceful solutions to conflicts, prevent violence, and build bridges between different factions or communities.

The Community of Sant'Egidio has a long history of engagement in peacebuilding and has been involved in numerous peace processes globally. They have played a significant role in facilitating peace agreements, mediating negotiations, and providing a platform for dialogue among various stakeholders. The Rome Initiative operates on principles of inclusivity, respect for human rights, and the belief that dialogue and negotiation are crucial for sustainable peace. The approach of the initiative is often characterized by discreet diplomacy, working behind the scenes to build trust and encourage constructive dialogue. In addition to its mediation efforts, the Rome Initiative also engages in various humanitarian and development activities, including aiding vulnerable communities affected by conflicts, advocating for human rights, and promoting social cohesion.

Overall, the Rome Initiative led by Sant'Egidio represents a commitment to peacebuilding, conflict resolution, and reconciliation through dialogue and mediation, with a particular focus on areas affected by violence and political instability.

As both IGAD and St. Egidio mentioned in interviews, the Rome process was not designed to be broadly inclusive but to bring the non-signatories into the main peace agreement. It was not seen as necessary, at least initially, for a wider constituency to be involved in the dialogues.

The St. Egidio method has evolved through engaging in peace negotiations in various contexts, but most specifically, by engaging in peace negotiations in Mozambique. The

<sup>161 &</sup>lt;u>understanding money laundering risks in the conflict gold trade - the sentry</u>

<sup>162</sup> gen. cirillo reveals sticky points at rome negotiations | radio tamazuj

method focuses on building relationships, understanding the belligerent parties' culture, and building an atmosphere of close collaboration between the factions. While in Mozambique, they mentioned the involvement of other state and non-state actors. This appears to have been a missing element in the Rome process, which has primarily focused on the conflicting parties.

According to their website<sup>163</sup>, the Sant'Egidio process is characterized by the following elements:

- a cultural understanding of the conflicting parties which differs from conflict to conflict - is crucial for success.
- a non-threatening approach; refraining from putting pressure on the parties or setting ultimatums.
- drawing on their widespread network of contacts and inter-religious relationships.

Specifically with regard to the South Sudan process, they state:

The Rome initiative led by Sant'Egidio is aimed to facilitate the political dialogue between the non-signatories to the R-ARCSS and the TGoNU: it is complementary to the IGAD led process. Our efforts are to reduce the violence and to make the peace process inclusive of the holdout groups <sup>164</sup>

### 5.3. Engagement with women in the Rome process

The Rome process has had almost no engagement by or with women throughout the peace process. <sup>165</sup> This offers a stark contrast to the Revitalised peace process, where women engaged as part of official delegations, in various capacities, and as women networks.

Women engagement? There is none. This is because

the process is not designed to be an inclusive process. It is designed to bring the holdout groups with the GOS and is under the office of the President.<sup>166</sup>

Several reasons were given when asked why women have had so little participation in the Rome process;

- The process was not designed to have an inclusive approach it was only designed to engage those from the belligerent factions. 167
- The process was done remotely primarily in Rome, where there was little access for those outside of the official delegations to attend<sup>168</sup>
- The lack of permanent presence of the facilitators in South Sudan<sup>169</sup>
- The lack of presence of the dissident groups in South Sudan (they are primarily in the diaspora)<sup>170</sup>
- The lack of political will from the government to engage women in the process<sup>171</sup>
- The fact that the process was kept under the Office of the President rather than the Office of Cabinet Affairs. Therefore, a completely different team from the Revitalised process was working on the peace agreement.<sup>172</sup>
- Women groups in Juba are focused on other priorities

   particularly the implementation of the main peace agreement<sup>173</sup>
- Women in Yei face threats and suspicion, and had no access to the facilitators when they visited Juba<sup>174</sup>
- The Rome process was seen, especially at the Juba level, as a side issue to the implementation of the revitalized peace agreement.<sup>175</sup>
- The international community is equally focused on implementing the revitalized agreement. As a result,

<sup>163</sup> sant'egidio's method | community of sant'egidio (santegidio.org)

<sup>164 &#</sup>x27;Rome initiative not meant to renegotiate peace agreement'-Sant'Egidio | Radio Tamazuj

<sup>165</sup> Interviews in Juba and Yei with various actors, including a representative from St. Egidio. (2023)

<sup>166</sup> Interview, Juba. (2023)

<sup>167</sup> Interview, Juba, (2023)

<sup>168</sup> Interviews, various (2023)

<sup>169</sup> Interview, Yei (2023)

<sup>170</sup> Interview, Yei (2023)

<sup>171</sup> Interview, Juba, government official (2023)

<sup>172</sup> Interview, IGAD, others (2023)

<sup>173</sup> Interviews, various Juba (2023)

<sup>174</sup> Interviews, Yei (2023)

<sup>175</sup> Interviews, Yei (2023)

they followed the Rome process less closely, particularly around the issue of women's engagement, unlike during the revitalised process.<sup>176</sup>

 IGAD was sidelined in the process – they were invited and attended various peace talks as observers and to express support for the process but have not been consulted in the process.<sup>177</sup>

In the coverage of the peace talks, the only women to have been mentioned were an international observer (Uganda's Special Envoy, Betty Oyella Bigombe) who attended the December 2020 peace talks in Rome, and a spokesperson for the SSUF (Nyamach Nyang Chol). Other than the international observer and the participant of one of the SSOMA groups, we could not find engagement with women in any other capacity, other than the consultations held in December 2022 with women at the South Sudan Council of Churches (after the process was stalled due to

the government's suspension of its participation).

The Rome process has faced significant challenges in bringing the parties to the table, and the process has been seen as a disappointing failure by many, particularly in the areas where the fighting continues. Recently, there have been some promising steps to try and include civil society, and particularly women, at the mediation table going forward. However, this process clearly illustrates that, despite the progress made by women to get to the negotiation table during the Revitalised peace agreement, these gains are not fully institutionalized. As a result, without significant energy from women themselves and external pressure, which was lacking as the international community has primarily focused on the implementation of R-ARCSS, women's participation is not seen as a priority by the government.

<sup>176</sup> Interviews, various

<sup>177</sup> Interview, IGAD

### Conclusion

This case study reveals that by harnessing the WPS and 1325 Instruments, significant international community support, and strong persistence from women activists, women could get to the meditation table in South Sudan. In addition, by being at the mediation table (although not as an equal partner to the signatories), women have ensured that some key provisions have been established towards addressing the deep gender inequities in South Sudan that have contributed to, and been exacerbated by, the conflicts. However, in both the implementation of the peace agreement (or lack thereof) and the ongoing Rome process, it is clear that these gains have not yet been cemented. Significant gender inequities persist, and the gendered aspects of the conflict has created barriers to women engaging as equal partners in peace processes. In addition, the nature of the peace mediation processes, which gives priority to the conflicting parties in the negotiations, is itself a gendered aspect of the conflict and requires further examination if women are to be equal partners in peace mediation processes.

In sum, the case study has revealed that the progress made by women in South Sudan has been hard-won and can easily be lost without sustained support and external pressure. Combined with the lack of political will among government actors, South Sudan's social and cultural norms, which see women as secondary citizens, create significant barriers to women's sustained presence at the peace mediation table. This lack of genuine change towards greater inclusivity in mediation processes is emphasized by the ongoing Rome Process, which has had, to date, little engagement by or with women. Women have likewise had to make strategic choices with regards to where to focus their limited attention and resources to keep the momentum going. They are highly involved in pushing forward their agendas within the R-ARCSS and ensuring that gender equity and tools for furthering women's rights are enshrined in the legal frameworks in South Sudan. The international community has been critical to South Sudanese women's engagement in both the peace negotiations and the implementation of the agreement, and their continued support will be vital to women's inclusion going forward.

### Recommendations

Based on the research, we provide the following key recommendations:

#### For National Actors:

- Integrate a Trauma-Informed approach to peace negotiations and all peacebuilding efforts. A trauma-informed approach is crucial to supporting peace negotiations in South Sudan by addressing the deep-rooted trauma experienced by individuals and communities affected by the conflict. Adopting a trauma-informed approach means recognizing the pervasive impact of trauma on individuals, communities, and societies. This understanding can help negotiators and stakeholders appreciate the complex psychological, emotional, and social consequences of violence and conflict in South Sudan. Acknowledging trauma can help create a more empathetic and compassionate environment during negotiations and help create safe and inclusive spaces for women to engage, empower survivors and marginalised groups, build resilience and healing, and contribute to long-term peacebuilding and prevention.
- Continue seeking ways to better link women at the grassroots to national processes and peace negotiations. Women in the grassroots face additional barriers in having their concerns and perspectives included in peace negotiations. However, their personal experiences mean they have special insights into the conflict and its impact on their communities. While women in the Juba and other state capitals make concerted efforts to collect the views of women at the grassroots, greater efforts are needed to ensure their perspectives are included.
- Prioritize the elimination of gender-based violence by implementing comprehensive measures to prevent, respond to, and hold perpetrators accountable. Provide support services and safe spaces for survivors of gender-based violence to create an enabling environment for women's engagement in peace processes.
- Develop and enforce gender-sensitive legal frameworks that protect women's rights, address discrimination, and promote their participation in decision-making processes. Ensure alignment with international standards and resolutions, such as the UN Security Council Resolution 1325.

- Engage men and traditional leaders in the promotion of women's participation in peace processes. By fostering their support and recognition of women's rights and contributions, traditional gender norms can be challenged, creating a more inclusive and supportive environment.
- Seek international support by advocating for political, financial, and technical assistance to promote women's engagement in peace negotiations. Encourage funding for women's organizations, facilitate capacity-building initiatives, and leverage diplomatic pressure to ensure gender equality in peace processes.
- Publish regular reports on progress and challenges in implementing gender-related provisions, making them accessible to the public and demonstrating the guarantors' commitment to transparency.

#### **For Regional Actors:**

- Where possible, peace negotiations should be held in the region to enable better communication and access for a broader range of participants, not just the warring factions.
- Encourage AU member states and IGAD member countries to adopt and enforce gender quotas for women's representation in peace negotiations, decision-making bodies, and transitional institutions.
- Insist on the inclusion of gender-sensitive provisions within peace agreements, recognizing the importance of women's participation, protection, and gender equality.
- Establish mechanisms for ongoing monitoring and reporting on the implementation of genderrelated provisions, including women's participation in decision-making bodies and institutions.
- Ensure regular reporting by all parties to the guarantor countries or organizations regarding progress and challenges in implementing gender-related provisions.
- Require training for all parties involved in the peace process, including security forces, military personnel,

and mediators, on gender-sensitive approaches, the importance of women's participation, and preventing gender-based violence.

#### For International and Regional Actors who are guarantors to the Peace Processes in South Sudan

- Leverage diplomatic pressure to hold parties accountable for their commitments to women's rights and participation in the peace process. As has been shown in the case study, political will is one of the main barriers to genuine inclusiveness.
- Engage in high-level dialogues with parties to emphasize the importance of gender equality and women's involvement in achieving sustainable peace.
- Use diplomatic channels and public statements to advocate for the inclusion of gender-specific provisions and highlight the importance of women's participation in peace processes.
- Raise public awareness: Collaborate with local and international media to raise awareness about the gender-related aspects of the peace agreement and their significance.
- Continued dialogue: Maintain regular consultations with women's organizations and activists to gather insights and recommendations on strategies to enhance the implementation of gender-related provisions.
- Offer inceptives as appropriate: Consider offering incentives or conditionality tied to the implementation of gender provisions, such as financial support or diplomatic recognition.

#### **For International Actors:**

 Continue to support the development of the women's movement in South Sudan, especially as they seek to raise a generation of women leaders in South Sudan. The women's movement in South Sudan has made great strides in organising and becoming a strong force within their society. However, they face many challenges, including cultural and societal barriers.

- Invest in capacity-building programs to equip women with the necessary skills, knowledge, and confidence to actively participate in peace negotiations. Focus on negotiation skills, conflict resolution, mediation, leadership, and understanding legal frameworks and human rights.
- Improve access to information about peace processes by ensuring women have access to relevant documents, agreements, and negotiations. Additionally, provide financial resources and logistical support to facilitate their participation in peace negotiations.
- Strengthen women's networks and partnerships, fostering collaboration among women's organizations, civil society groups, and relevant stakeholders.
   These networks can provide support, share experiences and expertise, and amplify women's voices in peacebuilding efforts.
- The international community needs to continue pushing the Government of South Sudan to uphold their legal commitments in the peace agreements and the various policy instruments. In particular, they must prioritise the commitments made to women that enable them to participate fully in peace negotiations, the maintenance of the 35% quota, and the establishment of key legal and policy institutions, especially the Hybrid Court for South Sudan, to hold the armed forces accountable for gender and sexual violence.

By implementing these recommendations, South Sudan can empower women, foster inclusive decision-making processes, and ultimately achieve more sustainable and lasting peace.

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# BREAKING BARRIERS: EMPOWERING WOMEN IN PEACE MEDIATION FOR LASTING PEACE IN SOUTH SUDAN

#### **Policy Recommendations**



National Actors in the peace process should continue seeking ways to better link women at the grassroots to national processes and peace negotiations.



International and Regional Actors should leverage diplomatic pressure to hold parties accountable for their commitments to women's rights and participation in the peace process.



International actors should continue to support the development of the women's movement by investing in capacity-building programs to equip women with the necessary skills, knowledge, and confidence to actively participate in peace negotiations, improve access to information, and strengthen women's networks and partnerships.



