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SOUTH SUDAN: A SITUATIONAL ANALYSIS OF WOMEN'S PARTICIPATION IN PEACE PROCESSES

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SUMMARY

South Sudan seceded from Sudan in July 2011 following a referendum in which 99 per cent of the South Sudanese population voted for independence. Due to simmering political and ethnic tensions in the two year old country, violence erupted, plunging the new state into a protracted civil war. Both the government and rebel forces have been accused of human rights violations, including widespread and systematic sexual violence and allegations of ethnic cleansing and potential genocide. Intermittent peace negotiations have occurred, during which women have and continue to be excluded from formal negotiations. However women have been vocal about their inclusion in the national peace process through informal tracks, as well as delivering grassroots peacebuilding initiatives. Nevertheless, women's participation is constrained by a combination of poverty, discriminatory cultural practices such as child, early and forced marriage (CEFM), lack of education, confidence, capacity and literacy, care burdens and reproductive responsibilities, and negative labelling and sexualisation of politically active women. A deteriorating economy, mass displacement and climatic shocks have intensified food insecurity and famine which disproportionately affects women, increasing insecurities and vulnerabilities.

STRENGTH OF GENDER PROVISIONS

Joint Final Communiqué and Resolutions: Dinka Malual and Messiriya Grassroots Peace Conference 2008

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development			✓			
Post-Conflict Issues		✓				
Violence Against Women	✓					
Participation			✓			
General	✓					

The Transitional Constitution of Southern Sudan 2011

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights	✓					
Development	✓					
Post-Conflict Issues	✓					
Violence Against Women	✓					
Participation	✓					
General	✓					

Agreement on the Resolution of the Conflict in South Sudan 2015

	0 None	1 Weakest	2	3	4	5 Strongest
Human Rights		✓				
Development						✓
Post-Conflict Issues				✓		
Violence Against Women					✓	
Participation						✓
General	✓					

WOMEN'S PARTICIPATION: KEY CONSTRAINTS AND ENABLERS

CONSTRAINTS

1. Ongoing civil war, violence and human rights violations
2. Humanitarian crises (e.g. famine and food insecurity, poverty, mass displacement)
3. Intersection of CEFM and families' economic survival

ENABLERS

1. Strong women's civil society
2. Changes in gender relations and gendered division of labour due to conflict (e.g. changes in land access)



Women activists have called on the transitional government to include more women in its various branches and one female judge in the Hybrid Court.

BACKGROUND TO THE CONFLICT

South Sudan seceded from Sudan in July 2011 after a referendum was held where 99 per cent of the population in South Sudan voted for independence (BBC News 2011). Two years later, violence broke out due to simmering political tensions when President Salva Kiir dismissed his Vice President, Riek Machar in July 2013. Following a dispute over the leadership of South Sudan's ruling political party, the Sudan's People Liberation Movement (SPLM), which was also the major movement during the North-South Sudanese civil war that ended in 2005, President Kiir ordered the arrests of key political figures that were challenging the leadership in an alleged plot for a coup (Giffen 2016: 857). This included the arrest of Vice President Machar.

Violence erupted in the capital Juba and quickly spread across half the country, plunging the new state into a protracted civil war that remains ongoing. Machar and his supporters quickly established the Sudan's People's Liberation Movement/Army-In Opposition (SPLM/A-IO), to fight against the Government of the Republic of South Sudan (GRSS). The violence was demarcated primarily along ethnic lines, an after effect of the fracturing and factionalization of the SPLM/A during the Second Sudanese civil war (1983-2005) and associated ethnic violence (Giffen 2016: 849). Kiir and Machar, who are from the two biggest ethnic groups in South Sudan, Dinka and Nuer respectively, mobilised their ethnic communities. Although the SPLM/A was popularly supported throughout the North/South war both within and outside what is now South Sudan, it failed to create a political identity that cut across ethnic and racial differences (Nascimento 2017: 133).

Almost two years of intermittent peace negotiations ensued, mediated by the Intergovernmental Authority and Development (IGAD). In August 2015, parties to the conflict and other stakeholders signed the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). The agreement

set up the Transitional Government of National Unity (TGoNU) for national elections as well as provisions for security sector reform, transitional justice, and a constitution-making process. In accordance with the ARCSS, President Kiir reappointed Machar as Vice President who was sworn in during April 2016. However, due to continued violence in Juba which killed 300 people, Machar fled South Sudan, eventually seeking exile in South Africa (Amnesty International 2017a: 14-15; Wudu 2017). Kiir then officially dismissed Machar and appointed a new First Vice President, Aban Deng Gai, another opposition politician. Consequently the peace agreement crumbled with conflict spreading and engulfing the southern Equatorial region of the country. In the first half of 2017 there was heavy fighting. By August 2017, IGAD convened a High Level Independent Experts Meeting on the Revitalisation of the Agreement on the Resolution of Conflict in South Sudan (Amnesty International 2017a: 15). The 2017 UN Secretary-General's Report on the situation in South Sudan highlights the lack of tangible progress in reducing the conflict and implementing the peace agreements (UNSG 2017, para 3). Efforts to revitalise the 2015 peace process by IGAD are currently ongoing at the time of writing, though conflict continues to persist throughout the country.

Both the government and rebel forces have been accused of various human rights violation, including allegations of ethnic cleansing and potential genocide. Common violations include extra-judicial killings, mass murder, arbitrary detentions and torture, recruitment of child soldiers, destruction and looting of property, and forced displacement. Thousands of South Sudanese, both female and male, have also been subjected to sexual violence including rape, gang rape, sexual slavery, sexual mutilation, torture, castration, and/or forced nudity (Amnesty International 2017a). The UN established a peacekeeping mission, UNMISS, however it has been criticised for not doing enough and being under-resourced in both time and personnel (Al Jazeera 2017). Approximately 2 million people are internally displaced and another 2 million have fled to adjacent countries, with 1 million people in Uganda alone. Both government and rebel forces have blocked humanitarian assistance and attacked aid workers (it is estimated that 85 have been killed since the conflict began), with South Sudan has been named the most dangerous place for aid workers (HRW 2017). Insecurity and vulnerability intensified when South Sudan was struck by severe food shortages due to violence undermining crop production and ruining livelihoods. In early 2017, a famine emergency was declared in parts of the country. Though famine had eased by June 2017, food insecurity remains critical with 1.7 million people facing emergency levels of hunger (FAO 2017).

WOMEN'S PARTICIPATION IN THE PEACE PROCESS

In peace negotiations, women have been largely absent from the official talks, with only three women included as part of the SPLM/A-IO delegation during the negotiations held in Addis Abba that led to the ARCSS. No women were included in the Government of South Sudan's delegation which was appointed by presidential decree. Minister Michael Makuei stated: '[w]hat is important is not the gender representation but what is important is the achievement of the objective. The objective is irrespective if they are represented or not' (van der Wolf 2017).

However, women are demanding representation in the peace process despite this attitude. Former minister of social development and SPLM deputy chairperson Sarah Nyanath believes it does make a difference if women are present, as women have different priorities than men (van der Wolf 2017). In addition to the government and SPLM-IO, representatives of former political detainees, civil society and women's groups, and religious leaders also attended the talks (van der Wolf 2014). A coalition called the women's bloc signed the agreement.

Women have been vocal about their inclusions in the process and demands for the peace agreement, particularly in informal tracks of negotiation. For instance, on 15 September, 50 women from 40 different organisations issued the South Sudan Women Position on the Promotion of Durable Peace and Reconciliation. It outlined recommendations to the IGAD, including the participation of women and youth in the peace process, gender parity in the negotiations including technical gender expertise, a timeline for implementation, a mandatory 50 per cent quota for women's representation in delegations and mediation teams, and the substantial representation of women's organisations. They also called for justice mechanisms for sexual and gender-based violence (SGBV) crimes and security sector reform.

At the grassroots level, peacebuilding initiatives are occurring. For instance, in 2014, with UNDP assistance and the help of church leaders, Nuer and Dinka women met in Jonglei state as a strategy to open lines of communication for healing and reconciliation between conflicting parties.

No women were included in the Government of South Sudan's delegation which was appointed by presidential decree

In the Bill of Rights (Article 16) in the 2011 Transitional Constitution of South Sudan women's rights are outlined specifically thus:

1. *Women shall be accorded full and equal dignity of the person with men.*
2. *Women shall have the right to equal pay for equal work and other related benefits with men.*
3. *Women shall have the right to participate equally with men in public life.*
4. *All levels of government shall:*
 - a. *promote women's participation in public life and their representation in the legislative and executive organs by at least 25 per cent as an affirmative action to redress imbalances created by history, customs, and traditions;*
 - b. *enact laws to combat harmful customs and traditions which undermine the dignity and status of women; and*
 - c. *provide maternity and child care and medical care for pregnant and lactating women.*
5. *Women shall have the right to own property and share in the estates of their deceased husbands together with any surviving legal heir of the deceased.*

The constitution outlines women's property and inheritance rights, ensures gender mainstreaming in local government, guarantees equal citizenship rights, and provides for affirmative action policies in government and women's representation more specifically in the judiciary and council of ministers. Furthermore, it also provides for equality and more general human, social, economic and political rights (e.g. right to life, education, marriage, health). However, the Transitional Constitution recognises customary law, which discriminates against women and is a major impediment to gender equality and women's rights.

The ARCSS outlines a 25 per cent quota for women's representation in the executive Council of Ministers, including a ministry addressing gender. Women's representation is also mandated in the Commission for Truth, Reconciliation and Healing (CTRHR) where three out of seven commissioners must be women. The CTRHR will document the different experiences of women, men, girls and boys and ensure findings will be incorporated in resultant legislation as well as provide measures to protect witnesses.

One representative from the Women's Bloc will be included in each of the following transitional commissions: the Ceasefire and Transitional Security Arrangements Monitoring Mechanism; the Strategic Defence and Security Review (SDSR); Economic and Financial Management Authority (EFMA); Compensation and Reparation Authority (CRA); the National Constitution Review Commission (NCRC); and the Joint Monitoring and Evaluation

Women have difficulties in winning and maintaining trust of citizens, who vote under the belief that public life and leadership positions should be reserved for men.

Commission. Women's civil society will also be involved in the truth and reconciliation process and in fighting corruption. It calls for the special consideration of conflict-affected persons (including women and widows) in the provision of public service delivery during the transition period, including access to health and education services. Furthermore, all acts of SGBV are considered a violation of the ceasefire. The TGoNU shall also establish a Women Enterprise Development Fund for the provision of subsidised credit for woman based enterprise development and capacity building of women entrepreneurs.

Women's participation throughout the agreement is descriptive and relatively tokenistic, where there are no quotas for women in decision-making positions. Though representation of women at the executive level is mandated, it does not provide for the quota to be filtered down into lower tiers of government. Furthermore, not all transitional mechanisms include women and where representation of the Women's Bloc is included, it is only for one woman. In terms of humanitarian assistance and reconstruction, women are only mentioned once, where vulnerable populations are cited (refugees, IDPs etc.), women are not differentiated. Moreover, the Board of the Special Reconstruction Fund, which determines the priorities of reconstruction, does not call for women's participation. Regarding transitional justice processes, though gender-inclusive language is used and women's participation in the CTRH is mandated, the Hybrid Court for South Sudan (HCSS) does not call for women's inclusion as judges or prosecutors (See Case, Shafiq and Tonelli 2015).

In June 2017, the South Sudan Women's Monthly Forum issued a gender gap analysis of the implementation of the peace agreement given the continuing lack of women's participation in the peace process. It highlighted the fact that the 25 per cent quota for women's participation in the executive had not been met and recommended that more women be appointed to key government positions (UNSG 2017, para 9). Women activists have also called on the transitional government to include more women in its various branches and one female judge in the Hybrid Court (Friday 2016). However challenges to women's participation remain, and insecurity and continued militarisation of South Sudan has had devastating effects on women, men and children.

WOMEN'S POLITICAL PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Dr. John Garang, founder of the SPLM, stated that women are 'the marginalized of the marginalized' in terms of their participation (Ali 2011: 3). The majority of male politicians in South Sudan acknowledge the contribution of women during the conflict and their roles as peacebuilders and in mobilizing voters for the 2011 referendum. South Sudan has committed to ensuring women's participation, including through a quota system to ensure gender parity in government. Of 383 seats in the lower house, 109 (28.5 per cent) and 6 of 50 in the upper house (12 per cent) are currently occupied by women (IPU 2017). On 11 July 2016, the Speaker of the Transitional National Legislative Assembly appointed new leaders for the 25 standing committees of the Assembly, of which seven committee Chairs and eight Deputy Chairs are women (UNSG 2017 para 13).

However, it could be argued that women's participation is tokenistic. For instance, when South Sudan's original 10 states were split up in the ARCSS in 2015, all of the 28 newly appointed governors were men (SSuDEMOP 2016: 13). Women are hindered in the political arena by their lack of financial resources to pay election fees and run campaigns. During campaigns, women confront deeply entrenched patriarchal norms that do not accept women's leadership or women in public positions of power, by both male politicians and voters (Ali 2011: 3).

For instance, a former female Minister of Information in one of the states said that during her tenure the governor often asked a male subordinate to deliver strong statements, but blamed anything that went wrong in her ministry on her being a woman (Ali 2011: 6). Furthermore, women face obstacles in winning and maintaining trust of voters, who operate under the belief that public life and leadership positions should be reserved for men. Women who are in the public domain and discuss politics publicly are often referred to as prostitutes (Arabi 2012: 207). Implementation of the 25 per cent quota faces various challenges and the Ministry of Gender, Children and Social Welfare face significant funding and resources challenges. Women legislators formed a Women's Parliamentarians' Caucus in 2007 to present a united front and enhance women's impact on political decision-making. However, institutional norms that promote patriarchy continue to restrict women's effective participation and career progression (SSuDEMOP 2016: 17).

At both macro and micro levels women's exclusion from politics is the result of a combination of poverty, discriminatory cultural practices such as CEFM, lack of education, confidence, capacity and literacy, care burdens and reproductive responsibilities, and negative labelling and sexualisation of politically active women. Limited access to education, information, training and employment opportunities, and financial dependence on male relatives exacerbates women's lack of decision-making power in both communities and households (Oxfam 2017: 47). This in turn effects women's ability to publicly participate in politics. As Arabi (2012: 2010-2211) notes, despite changes in gender roles that occurred during the conflict, gender relations remain largely unchanged where prevailing cultural norms that force women into subservience and to be relegated to the private sphere are still deeply entrenched.

WOMEN'S ECONOMIC PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

Upon independence, South Sudan had a higher GDP (17.827 billion USD) than all its neighbours (apart from Sudan), though little of that money was spent on the development of the country. Most of the economic wealth and power have remained with the ruling class and elite, and many South Sudanese feel they have not received the economic dividends promised by peace and independence (Giffen 2016: 863). South Sudan is primarily a subsistence economy with 84.4 per cent of the population living in rural areas (World Bank 2011: 6). However, large amounts of untapped natural resources exist. Oil accounts for almost all of South Sudan's exports and around 60 per cent of the country's GDP, making it the most oil dependent country in the world (World Bank 2016). 50.6 per cent of the population live below the national poverty line with poverty rates slightly higher for female headed households and they constitute just over one quarter (28.6 per cent) of households. Among these female headed households, 56.9 per cent live below the poverty line, compared to 48.1 percent of households headed by men (World Bank 2011). One in three South Sudanese women are either moderately or severely food insecure. Around 38 per cent of the population, primarily women, have to walk for more than 30 minutes one way to collect drinking water. 78 per cent of households depend on crop farming or animal husbandry as their primary source of livelihood (World Bank 2011) and up to 90 per cent of the population depends on farming, fishing or herding to meet their food and income needs (FAO 2017). Women's economic and reproductive roles and responsibilities include farming, collecting water and firewood, cooking, cleaning, and childcare.

An estimated 1.2 million refugees returned to South Sudan between 2007 and 2009, approximately 60 per cent of which were female headed households and over 30 per cent of returnees were between 5 to 17 years old (Namadi 2011: 164). Economic and social services and needs were further challenged by this influx with people returning to their homes and to communities where informal coping mechanisms had been exhausted, access to safe water was limited, and land was occupied by those who remained during the North-South civil war (Nascimento 2017: 139). Although the Land Act (2009) and Constitution establishes women's right to inherit land, a lack of implementation and awareness of both customary and formal institutions undermines women's land rights.

Customary law does not recognize women's access and ownership of property and land where widows, single mothers and other single women are regularly denied ownership and control (Mennen 2012: 17). They are often resettled and charged fees with little recourse. The only way a woman can own land independently of her parental and marital family is when she is identified as a vulnerable individual by the chief of the community. However, due to conflict and the HIV/AIDS epidemic, women's access to land is changing (Mennen 2012: 18). The increase in female headed households who have no male guardians has forced some communities to adapt their land practices to allow women to hold land directly in order to support themselves and their families. For instance, in Eastern Equatoria among the Parii, women are now allowed to cultivate land due to many male members of the community dying from HIV/AIDS (Mennen 2012: 17-18). Conflict has also led to changing relations within the gendered division of labour, where necessity has led to women's active engagement in petty trade and construction (Oxfam 2017: 12). Although reproductive and unpaid care activities have increased for women, in terms of both tasks and time, more boys have started to engage in unpaid reproductive activities outside the home, such as fetching water (Oxfam 2017: 13).

However, continued violence, a deteriorating economy, mass displacement and climatic shocks have intensified food insecurity and famine and disproportionately affected women's economic burdens and survival. For example, due to little economic opportunity, endemic poverty and few income-earning opportunities, many women in South Sudan have turned to survival sex (Veldwijk and Groenendijk 2012: 79). Women's economic vulnerability is significantly increased for vulnerable populations such as IDPs and female headed households and women's economic participation is hindered by the continuing crisis.

The current conflict has increasingly narrowed the political space for women in South Sudan.

WOMEN'S CIVIL SOCIETY PARTICIPATION BEFORE, DURING AND AFTER CONFLICT

The post-conflict period has seen a flourishing of civil society organisations, opening up many new spaces for women's political and civil society participation (Fiari 2011: 25). Women's organisations have played vital roles in promoting inter-ethnic dialogue, providing innovative solutions and protesting when necessary (Joolade and Abiola 2016: 53). After the signing of the North-South Sudan Comprehensive Peace Agreement (CPA) in 2005, many leaders and activists of the women's movement assumed positions within SPLM structures in the government. Though these positions meant greater access to decision-making, it also dramatically reduced the women's movement leadership which became less active in civil society due to political and time constraints (Ali 2011: 11). Women's organisations nonetheless continued to be active in advocacy regarding peacebuilding, elections and women's rights, especially using informal community structures to ensure women's rights and gender perspectives are incorporated into local programs (Faria 2011: 23; Joolade and Abiola 2016: 53).

Due to the exclusions within government politics, these grassroots organisations provided a more inclusive space to promote peace efforts centred on gender equality along with intersectionality by respecting racial and ethnic differences (Faria 2011: 23). Women's civil society actors have demonstrated their activism primarily through peacebuilding work. Furthermore, women's organisations have been active in addressing practical needs and rural development (Ali 2011: 11). For instance, because of the breakdown of basic services during the conflict, many women played important roles in continuing and restoring social services. Women have worked as volunteers, particularly in the health and education sectors, and began to take positions as teachers and nurses (Namadi 2012: 165).

Women's civil society, especially with the support of donors, have been active in encouraging dialogue between women, through organising conferences, consultations and workshops to present a united

women's platform. Furthermore, the South Sudanese diaspora have been vital in supporting South Sudanese women's organisations at home and driving South Sudanese women's transnational activism (Erickson and Faria 2011: 628). For example, the South Sudan Women's Empowerment Network (SSWEN) was established in the US in 2005 by US-based diaspora women. As the 2011 referendum approached, SSWEN expanded into South Sudan and organised a conference in Juba in 2008 to provide space for women from diverse ethnic, class, language and religious backgrounds, to deliberate on key challenges in their lives and discuss post-referendum South Sudan. Women from across the ten regions of the South as well as Darfur and Southerners based in Khartoum attended and discussed the needs and priorities women. These included education and health, protection from violence, discrimination in the community and family, gender equality in the legal and judiciary spheres, the promotion of women's participation in the formal political system, and adopting the Convention of Elimination of Discrimination Against Women (CEDAW) (South Sudan ratified CEDAW in 2015) (Faria 2011: 26). (Faria 2011: 26). It was ground breaking in that it was one of the first post-CPA initiatives organised by Sudanese women themselves rather than international NGOs.

The conferences also led to several SSWEN chapters being established across the south of Sudan. As the referendum neared, SSWEN were active in voter education targeting women and running leadership and training programs for women who had chosen to run for political seats at local, regional and national levels. SSWEN is now part of a network of groups inside South Sudan and part of the diaspora working to engage women in the democratic process and state building. After the referendum, SSWEN organised another conference, 'Mainstreaming Women's Agenda in the Post-Referendum Arrangements', bringing together civil society representatives, government legislators, parliamentarians, members of the South Sudan Referendum Commission and the African Union (see Faria 2011: 26-27).

Female activists have not been silent in demanding their rights to participation. However, the current conflict has increasingly narrowed the political space for women in South Sudan as government security services have suppressed independent and critical voices from the opposition, media and human rights defenders. This has led to many activists fleeing the country (Amnesty International 2017b). The lack of rule of law, impunity and insecurity and patriarchal constraints are major challenges and obstacles to women's civil society participation (Lopida 2017).

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