



Protection Cluster South Sudan

Revitalised Agreement on the Resolution of the Conflict in The Republic Of South Sudan (R-Arcss)

Analysis from a Women, Peace and Security perspective

On 12 September 2018, the Revitalised Agreement on the Resolution of the Conflict in South Sudan was signed in Addis Ababa. The Agreement details the establishment, mandate and composition of the transitional government of national unity, permanent ceasefire arrangements and transitional security arrangements, constitutional parameters, transitional justice mechanisms, and humanitarian assistance and reconstruction issues. Additionally, the last chapter establishes the agreement's supremacy over previous peace agreements and provides the procedures for any amendments.

Several provisions in the Agreement acknowledge the importance of women's inclusion in the peace process by specifically carving out positions for women. There are provisions within the Agreement which call for the threshold of representation of women to be kept at a certain percentage in pre-transitional and transitional institutions. In addition to the various references to the role of women in each chapter of the Agreement, the Preamble further emphasizes the importance of gender equality, noting: *"that the sharing and allocation of wealth emanating from resources in South Sudan shall ensure that the quality of life and dignity of all citizens are promoted without discrimination on the grounds of gender, religion, political affiliation, ethnicity, and language."* Moreover, the Women's Bloc is listed as a stakeholder to the Agreement.

While it is recognised that the Agreement calls for the creation of economic, judicial, and governing institutions to remedy the various challenges women face in South Sudan, questions remain about gender-sensitive implementation.

This paper examines the various opportunities for women's involvement in this Agreement and relevant chapters of the agreement will be analysed in the context of Women, Peace and Security, to highlight and expand the role of women and their involvement, based on practices in other post-conflict societies.

General Comment:

Agreement has consistent use of gender-neutral language eg "people" instead of using inclusive language "women and men". Use of gender neutral language often results in policies ending up being exclusive. This needs advocacy and monitoring during implementation.

Establish a committee with the power, funding, and technical expertise to ensure and oversee gender mainstreaming throughout implementation of the Agreement. The committee should be comprised of South Sudanese women and civil society, with at least 50 percent representing organizations that focus on gender or social inclusion.

South Sudanese women and civil society organizations should consider action outside the parameters of the existing agreement in order to build a South Sudan where women's voices are fully heard and equally valued.



CHAPTER 1: REVITALISED TRANSITIONAL GOVERNMENT OF NATIONAL UNITY

Chapter 1 is gender neutral: some mention of women and girls or their specific needs, but still demonstrates a lack of concern for improving their position relative to men.

While the Agreement contains the quota for women in certain executive positions, the Agreement does not elaborate on the requirements for women to serve in the Transitional Government, especially for Senior level / Executive positions. For example, the Agreement fails to set aside a senior-level position for women in the Executive (President, Vice-President, First Vice President), nor specific provision on women's participation in the state governments. Furthermore, the Agreement does not mention how the government will specifically encourage women's participation in elections.

Although the chapter references women's participation in the executive and calls upon the government and SPLM-IO to nominate women to the Council of Ministries, it does not go far enough. For instance, it does not mandate a quota for the composition of state governments. In addition, the chapter does not incorporate inclusive language. The mandate of the transitional government is very broad and aggregates victims into "IDPs and returnees" instead of specifying "women, men, boys, and girls."

Although the Transitional National Legislative Assembly (TNLA) provides for quota nomination of women in the TNLA and Internal Boundaries Commission, the roles and responsibilities of the women are not clarified.

While there is recognition of the youth bulge in South Sudan ("more than 70 percent of the population is under the age of thirty"), "youth" is gender neutral language and flawed with assumptions. The default assumption is to consider youth as male, and not female, and design policies and programmes for young males accordingly. Advocacy and monitoring is required that young women are equally represented and have equal access to opportunities.

Recommendations:

- *Continue to advocate for more representation of women in key Executive institutions. The Ministry of Gender, housed under the Gender and Youth Cluster, can be used to facilitate the implementation of women's rights and women's inclusion in the Executive. Ministries responsible for providing education, police assistance, gender-sensitivity training, and preparation for political leadership roles are important tools for promoting women's inclusion.*
- *Include a critical mass (at least 30-35 percent) of women in relevant bodies named throughout the agreement, including in the most male-dominated mechanisms (such as those dealing with security arrangements). Women must be included from the beginning and have representative numbers to ensure meaningful, rather than token, participation.*
- *Expand the requirements for women to serve in the government using quotas and affirmative action provisions.*
- *Identify election measures that ensure greater representation of women in the transitional government, such as targeted civic education for women;*



CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

The chapter reiterates that warring parties shall refrain from prohibited actions which includes acts and forms of sexual and gender-based violence, sexual exploitation, and harassment.

Women are frequently overlooked when it comes to “hard” security issues, yet they bring a breadth of knowledge, expertise, and access that would lend credibility to these bodies and processes.

Recommendations:

- *It is recommended that the creation of subcommittees that focus on women’s issues and security could help to ensure that these issues are sufficiently considered and addressed.*
- *Mandate a greater number of women be included in the CTSAMVM and JDB Board;*
- *Ensure implementation arrangements spell out how monitoring and verification bodies will consult with women, youth, and other civil society organizations to guarantee their participation in decision making;*
- *Ensure the monitoring and verification teams under the CTSAMVM are equipped with training on how to engage with the communities and that at least 50 percent of the community liaison positions within the structure are women;*
- *Include women in the design and implementation of any disarmament, demobilization, and reintegration and security sector reform programs. These programs must also recognize both male and female ex-combatants including female support roles such as cooks and sex slaves; and make provisions for their specific needs;*
- *Provide continuous training for all personnel in the various security mechanisms on how to engage women in the communities, what the differing needs of female combatants are, and how to integrate gender considerations into the security sector.*

CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION

Whilst this chapter highlights the agreed principles for humanitarian assistance and reconstruction, the Agreement does not call for women to be part of the Board of Special Reconstruction Fund, which will determine the priorities for reconstruction of infrastructure in conflict affected states and areas. A position for Women on the Special Reconstruction Fund must be set aside.

The particular needs of women are not differentiated within any of the cited populations, such as refugees, internally displaced persons (IDPs), civilians in need of emergency humanitarian assistance and protection, and families. Furthermore, there are no specified confidence-building measures to encourage the return of women, IDPs, prisoners of war, or child soldiers. The Special Reconstruction Fund will also include assistance and protection to IDPs, returnees, and families, the provision of which will inevitably fall unofficially to women’s and other civil society organizations.

Recommendations:

- *To aid in the implementation of human rights and the inclusion of women in peace processes, quota systems in the Constitution play an important role in ensuring that women are included in decision making entities and political participation of women through affirmative actions. Affirmative actions help in redressing past imbalances created by history and traditions.*



- *When discussing economic incentives and humanitarian aid for internally displaced persons (IDPs) or ex-combatants, women's entitlements within those categories must be specified.*
- *Ensure donors leverage their role to promote women's inclusion in the reconstruction of South Sudan by funding capacity building programs for women's organizations, supporting the widespread dissemination of the agreement to all states, and advocating to key stakeholders about the importance of women's inclusion in the implementation process;*
- *Ensure at least 35 percent women's representation on the Board of Special Reconstruction Fund;*
- *Specify provisions for women's assistance, such as psychosocial support for victims of sexual violence and accompaniment of female returnees to ensure safe passage.*

CHAPTER IV: RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

This chapter deals with resource, economic and financial management arrangements but does not specifically set aside positions for women in order to ensure and secure women's economic health.

Out of the new institutions to be created as a result of this agreement, not one mandates women's participation. It is also short of including gender equality as a guiding principle for the reforms to the economic institutions nor provide for women's participation in the decision-making and negotiation of contracts for the exploration, development, production and use of natural resources. This could be particularly problematic for single women and widow landowners who will not have protection based on the principles outlined.

Recommendations:

- ***The creation of an ombudsman to specifically investigate violations of women's rights may provide for future economic and financial management that equally benefits the men and women of South Sudan. Training of women in economic and financial management practices will increase interaction between women and the Agreement's proposed economic and financial organizations.***
- ***Mandate a critical mass of women in all commissions established under this section of the agreement;***
- ***Allocate 35 percent of the oil revenue to the establishment of women enterprise development fund to ensure that it is operational and effective;***
- *Ensure the voices of the community are heard during national debate to review the current national land policy and the Land Act by enlisting prominent members of the community, particularly women, to participate in the debate. They should also conduct extensive consultations with communities prior to the debate to understand the needs and interests of women.*

CHAPTER V: TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

This chapter acknowledges the importance of including women in the transitional justice process.

Recommendations:

- *The transitional government must involve and consult women's organization in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption.*



- *Characterize women as constructive contributors to peace, not just as victims whose needs must be addressed. For example, call for a women’s outreach committee to go into communities to meet with victims and support them in telling their stories through transitional justice processes.*

CHAPTER VI: PARAMETERS OF PERMANENT CONSTITUTION

This chapter discusses the drafting process of the new Permanent Constitution. While the chapter promotes women’s inclusion in the constitutional process, the transitional government may pass electoral and gender laws, as well as constitutional amendments to enforce women’s rights.

Recommendation:

- *State legislation, such as electoral laws, often provides for mechanisms for enforcing human rights and women’s rights. Gender-based legislation also provides an effective mechanism.*

CHAPTER VII: JOINT MONITORING AND EVALUATION COMMISSION

This chapter establishes the Joint Monitoring and Evaluation Commission (JMEC), which is responsible for monitoring and overseeing the implementation of the Agreement. Though the Agreement provides for the Women’s bloc representative on the JMEC, it does not require that a certain number or percentage of the other JMEC members be women.

Recommendation:

- *The creation of States task forces to protect human rights and, specifically, women’s rights can combat violence against women through law enforcement training.*

CHAPTER VIII: SUPREMACY OF THIS AGREEMENT AND PROCEDURES FOR AMENDMENT OF THE AGREEMENT

This Chapter provides that the terms of the Agreement prevail over the Constitution or any conflicting legislation. The Agreement can only be amended by two-thirds of the members of the Council of Ministers and two-thirds of the voting members of the JMEC consenting to the amendment. This robust protection will deter amendments that dilute the Agreement, but it also may be difficult to make changes to the Agreement. It does not include any gender related provisions.

Recommendation:

- *Adopting a gender perspective is very important. Resolution 1325 aims to address women, peace, and security, and calls on States to adopt a gender perspective in peace agreements, addressing the special needs of women during repatriation and resettlement, and implementing measures that support local women’s initiatives and ensure the protection of women’s rights.*