



PEACE, PROSPERITY AND
REGIONAL INTEGRATION



Peacebuilding and Reconciliation

Inclusion of South Sudanese Refugees, Internally Displaced Persons and Returnees in the Implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan Webinar

Thursday 10 December 2020, 10:00 pm-12:30 (East African Time)

Co-organized by:

Government: MHADM, Ministry of Gender, Child and Social Welfare, Ministry of Peacebuilding and Ministry of Youth and Sports
and

Partners: IGAD South Sudan, GP20 Initiative on Internal Displacement and UNHCR

1. Introduction

Since 2013, the conflict in South Sudan has resulted in widespread displacement. Over 3 million people are displaced, almost 1.67 million IDPs and more than 2.3 million refugees, representing around one third of the total population. The refugees have sought asylum in Democratic Republic of the Congo, Central Africa Republic, Ethiopia, Kenya and Uganda. The prolonged conflict has affected livelihoods and put strain on the Government to deliver basic services. The signing of Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in 2018 mediated by the Intergovernmental Authority on Development (IGAD) led to the formation of an all-inclusive Revitalized Transitional Government of National Unity (R-TGoNU) on 22nd February 2020. This has renewed hope for a lasting peace in the country. With improved security situation and humanitarian access in many parts of the country, there are reports of returns of both IDPs and spontaneous refugees. Over 300,000 spontaneous refugee returnees and approx. 1,022,689 IDPs¹ have returned home or relocated to safer areas in the country since the signing of R-ARCSS in 2018². This development necessitates acceleration of reintegration, peacebuilding and reconciliation programmes to support returns. Thus, implementation of the R-ARCSS with participation of refugees, IDPs and returnees is intended as an over-arching process to rally humanitarian, development and peacebuilding partners around addressing the imperatives of the South Sudan displacement situation as part of achieving sustainable peace in the country.

Achieving durable solutions to displacement requires a whole of government approach to enable participation of refugees, IDPs and returnees and ensure restoration of rights. This webinar aims to

¹ This figure is based on IOM-DTM Round 8 data

² See UNHCR and RRC Spontaneous refugee returnees Statistics available online at: <https://data2.unhcr.org/en/documents/details/70718>

build on the momentum attained in the implementation of the R-ARCSS to reinforce a rights-based approach in implementation of durable solutions by convening high-level government officials, experts, humanitarian, development and peacebuilding partners, donors, academia, National Human Rights organisations, civil society organisations, and refugees and IDPs, to examine how to advance participation of refugees, IDPs and returnees in the implementation of the R-ARCSS, and to explore solutions to challenges to implementation.

2. Rationale and Opportunities for the Framework on Participation of Refugees, IDPs and Returnees in the Peace Process

A national framework on participation is derived from a right-based approach³ to enable refugees, IDPs and returnees involvement in peacebuilding and reconciliation process over the period of the Revitalized Transitional Government of National Unity (R-TGoNU) and beyond. It is the State's obligation to facilitate refugees and IDPs access to rights accorded by law as well as inclusion in decision-making in implementation of programmes that impact them both at individual and collective levels. The significance of a framework is also to safeguard prioritization of resource allocations to facilitate such participation as envisaged in the R-ARCSS.

South Sudan's strengthened normative and legal frameworks provide opportunities to implement durable solutions with full participation of refugees and IDPs⁴. The Government has committed to implement the Global Compact on Refugees⁵ through the National Framework on Return Relocation and Reintegration, adopted in October 2019, in order to create enabling conditions for sustainable returns of South Sudanese refugees and IDPs.

The Transitional Constitution of the Republic of South Sudan (TCRSS) as amended, lays the foundation for participation of refugees and IDPs in implementation of the R-ARCSS, in its provisions on equality, respect for human rights and the rule of law. The R-ARCSS reflects this approach by affirming the constitutional right of refugees and IDPs, including the right to citizenship and to participation in public affairs. The R-ARCSS further obliges the State to take appropriate measures to consider the protection and assistance needs of refugees, IDPs and returnees in its provisions on general guarantees on human rights, the right to physical safety and security, the right to return in safety and dignity and of choice of durable solutions. The State must also take measures to ensure that refugees, IDPs and returnees enjoy their civil and political rights, such as the right to vote, the right to run for public office and to participate in governance, including in the mechanisms of the permanent constitutional making process.

The principle of participation and consultation also applies to participation in socio-economic integration, with the R-ARCSS obliging the State to ensure that return and reintegration programmes are undertaken with full information given to, and consultation with, refugees, IDPs, returnees and host communities. The R-ARCSS is alive to the fact that such communities are significantly affected by displacement, and provides for age, gender and diversity approach to implementation of return and reintegration programmes, with attention to involvement and participation of women and youth and according special considerations to persons with specific protection needs. These provisions ensure that the needs of the affected populations are appropriately considered in humanitarian responses and development action to enable durable solutions. The Global Compact on Refugees emphasizes the right to participation through the "whole of society approach" focused not just on refugees, IDPs

³ Refer to UN(2016), *Progress and challenges relating to the human rights of IDPs*, A/HRC/32/35

⁴ South Sudan acceded to the Kampala Convention and is in the process of adopting a national IDP law. The country also acceded to the 1951 Refugee Convention in 2019 without reservations and enacted a Refugee Act in 2011. It is party to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention on Refugees)

⁵ Refer to UN(2016) Global Compact on Refugee at: <http://www.unhcr.org/the-global-compact-on-refugees.html>

and returnees, but on society and different actors within it as a whole, for the purpose of attaining durable solutions to displacement.

Chapter V of the R-ARCSS on transitional justice, accountability and healing has activities relating to return and reintegration of refugees and IDPs such as the establishment and operation of the Commission for Truth, Reconciliation and Healing (CTRH), the Hybrid Court for South Sudan (HCSS) and the Compensation and Reparation Authority (CRA). In the same vein, the R-ARCSS obliges the State to facilitate and oversee a people-driven process of national reconciliation and healing through an independent mechanism in accordance with the R-ARCSS. The National Dialogue that has been implemented in parallel with the R-ARCSS is complementary to the R-ARCSS and should be seen in this perspective.

In light of the above, the framework will serve to reinforce an integrated system for reparation, transitional justice and reconciliation as part of reintegration support, peacebuilding and conflict prevention.

3. Objectives and Outcomes of the Webinar

In line with the objectives discussed above, the webinar aims to provide a public forum to:

- i. Reflect on the right to participation and share perspectives and experiences from other regions, best practices in refugees, IDPs and returnees participation in implementation of peace processes, and opportunities for South Sudanese refugees' participation in implementation of the R-ARCSS;
- ii. Identify challenges to refugees, IDPs and returnee's effective participation in peacebuilding and reconciliation and discuss what is needed to enable South Sudanese refugees, IDPs and returnees to meaningfully participate in implementation of the R-ARCSS;
- iii. Formulate recommendations to inform the developing of a National Framework on refugees, IDPs and returnees participation in peacebuilding and reconciliation in the context of implementation of the R-ARCSS, for use by Government, humanitarian, development and peace partners, refugees, IDPs and civil society organisations;

The outcome of the webinar will be : 1) a summary outcome of the meeting; 2) recommendations to inform the development of a National Framework on participation of refugees, IDPs and returnees in peacebuilding and reconciliation in the context of the R-ARCSS, and; 3) agreement on an outline for the National Framework on participation of Refugees, IDPs and returnees in peacebuilding and reconciliation in context of the R-ARCSS.

4. Preliminary Agenda

The webinar will be a moderated plenary discussion with opportunities for event participants to put forward questions and comments to the panelists.

10:00-10:05	Session 1 Setting the scene and Opening	Welcome Remarks- H. E Dr. Ismail Wais , IGAD Special Envoy for South Sudan
10:05-10:10		Welcome Remarks- Mr. Arafat Jamal , UNHCR Representative in South Sudan
10:10-10:15		Remarks- Mr. Alain Noude'hou , Humanitarian Coordinator, South Sudan
10:15-10:20		Remarks- Hon. John Dabi , Deputy Commissioner, Commission for Refugee Affairs
10:20-10:25		Remarks – Hon. Dr. Manase Lomole Waya, Chairperson for Relief and Rehabilitation Commission

10:25-10:30		Remarks – H. E Peter Mayen Majongdit , Minister for Humanitarian Affairs and Disaster Management
10:30-10:40		Opening Speech - H.E Rebecca Nyandeng De Mabior , Vice President of the Republic of South Sudan & Head of Gender and Youth Cluster
10:40-10:50	Session 2 A human-rights-based approach	The right to participation in practice: Promoting a rights-based approach to refugees and IDPs participation in the peace process - Ms. Cecilia Jimenez-Damary , Special Rapporteur on the human rights of internally displaced persons
10:50-11:00	Session 3 Sharing experiences and best practices	Perspectives on best practices and reflections from experience on refugees and IDPs participation - Ms. Maartje Hofstede , Senior Officer-West Africa Search for Common Ground
11:00-11:10	Session 4	Perspectives from an IDP and a Refugee on participation (UNHCR facilitation)
11:10-11:20	Session 5 Refugees, IDPs and returnees participation - opportunities	Refugees, IDPs and returnees participation in the context of the R-ARCSS-future opportunities- H.E Stephen Par Kuol Minister for Peacebuilding
11:20-11:30	Session 6 Women Participation	Perspectives on South Sudanese refugee, IDP and returnee women participation in Peacebuilding and Reconciliation in the context of the R-ARCSS - H.E Ayaa Benjamin Warille , Minister for Gender, Child and Social Welfare
11:30-11:40	Session 7 Presentation of an outline of the Framework	Presentation of an outline of the National Framework on Participation of Refugees, IDPs and returnees in Peacebuilding and Reconciliation in the context of the R-ARCSS and next steps - Hon. Gatwech Peter Kulang , Undersecretary, Ministry of Humanitarian Affairs and Disaster Management
11:40-12:00	Session 8 Q&A	Moderated Question and Answer Session
12:00-12:05	Session 9 Wrap-up	Takeaways/Recommendations from the Consultations on Participation – H.E Dr. Albino Bor , Minister for Youth & Sports
12:05-12:10	Session 10 Closing	Closing Remarks - H.E Rebecca Nyandeng De Mabior , Vice President of the Republic of South Sudan & Head of Gender and Youth Cluster

Key Resources

- IGAD (2018), Revitalized Agreement on the Resolution of the Conflict in South Sudan at: <https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan>
- Brookings Institutions (2018), Integrating Internal Displacement in Peace Processes and Agreements, Brookings-Bern Project on Internal Displacement at: https://www.usip.org/sites/default/files/resources/USIP_PMT_Bern_IDP.pdf
- OCHA(2019), South Sudan Humanitarian Response Plan 2020 at: <https://www.unocha.org/south-sudan>
- UNHCR(2019), South Sudan Regional Refugee Response Plan(2019-2020) at <https://www.unhcr.org/partners/donors/5c330cf34/south-sudan-2019-2020-regional->

[refugee-response-plan-december-2018.html](https://www.ohchr.org/Documents/Issues/IDPersons/A73_173.pdf)

- A/HRC/73/173(2018) Rights of Internally Displaced Persons: Internal displacement and transitional justice: ensuring the inclusion of internally displaced persons in the transitional justice process at: https://www.ohchr.org/Documents/Issues/IDPersons/A73_173.pdf
- South Sudan National Dialogue and UNDP(2018), Guide on the National Dialogue Process in South Sudan at :<http://ss.one.un.org/wp-content/uploads/2018/01/Guide-on-the-National-Dialogue-Process-in-South-Sudan.pdf>
- MHADM(2019), Framework for Return, Relocation and Reintegration of Displaced Persons: Achieving Durable Solutions in South Sudan at: <https://www.refworld.org/pdfid/5b72a64a4.pdf>
- UNHCR(2019), Tearing Down the Walls: Confronting the Barriers to Internally Displaced Women and Girls' Participation in Humanitarian Settings at: <https://www.globalprotectioncluster.org/wp-content/uploads/Tearing-Down-the-Walls.pdf>
- Patricia Weiss Fagan(2009), Peace Processes and IDP Solutions- Case studies from various regions at: <https://core.ac.uk/download/pdf/85224075.pdf>
- A/HRC/29/34: Human rights of internally displaced persons in the context of the Post-2015 development agenda (2015) at: <https://www.ohchr.org/EN/Issues/IDPersons/Pages/Annual.aspx>
- WHS(2016), Compact for Young People in Humanitarian Action at: https://www.unfpa.org/sites/default/files/event-f/CompactforYoungPeopleinHumanitarianAction-FINAL_EDITED_VERSION.pdf

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