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Policy Brief

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Women in Peace Making Processes in South Sudan

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Executive Summary

This brief examines the challenges to the participation of South Sudanese women in formal peace making processes, in particular the prevailing exclusion of women and the gender perspective from the post-independence negotiations process. Moreover, it identifies opportunities for governmental redress at the current junction of the implementation of the 9 Agreements signed in September 2012 between the Republics of South Sudan and Sudan. Equitable participation of women in the public sphere is a constitutional right supported by a mandated 25% quota as a measure of redress of gender inequities based on history, customs and traditions. Although, commitment to increasing the participation of women in the public sector is the official policy of the Government of South Sudan, there has been negligible progress to date, at all levels. Moreover, women's participation in peace making processes is an area of chief deficiency. The post-independence process modeling the CPA process has been exclusive in disposition and composition, immensely deficient in the participation of women.

Peace making processes provide a unique opportunity for addressing issues of social justice and cohesion, and equity in access to power and resources. Research suggests that inclusive peace making processes lead to more sustainable peace. Women, by virtue of their position in society, have a unique perspective on these essential values, which may prove indispensable and instrumental. Furthermore, addressing gendered inequities, as the constitution mandates requires gender-sensitive policy interventions. The implementation phase of the recently signed 9 agreements provides a unique window of opportunity for the inclusion of women and the gender perspective. There are many arguments that relegate this issue to the background of more 'pressing matters', including the claimed gender neutrality of peace making processes and the perceived dearth of the required 'technical' capacity in women. However, we argue otherwise and further highlight the added value that women and the gender perspective may bring to the implementation process. Moreover, we posit that it is in the interest of the government and the people of South Sudan to identify women as valuable partners in the quest for sustainable peace and development. After all, women's participation is not just about equity or political correctness, but also more about making the peace processes more sustainable.

Policy recommendations for the Government of South Sudan include: building women's expertise in negotiations and mediation; guaranteeing at least 25% representation of women in all mechanisms of the implementation of 9 agreements and beyond; commissioning and endorsing a roster of women with technical expertise, education, and relevant work experience, and an annual report on the progress of the participation of women in governance; appointing a gender focal point to its negotiations team; ensuring ongoing public access to contemporary information on the substance and status of the negotiations and implementation process; adopting a gender-responsive approach to community security and widening the definition of 'security' to that of 'human security'; and creating funding streams that enable women groups to contribute to domestic and bilateral peace making processes.

Women's civil society organizations and professional associations have a key role to play in the quest for increased women's participation in governance in general, and in peace making processes in particular. Policy recommendations for these bodies include: adopting a 'women's action agenda' during the upcoming South Sudan Women's National Conference; participating in developing the South Sudan National Action Plan on 1325 and ensuring it includes concrete benchmarks; establishing a women's machinery for advocacy and lobby for the participation of women in governance; and contributing to the establishment of the roster of women. Furthermore, this brief recommends that political parties recruit and develop women cadres and ensure at least 25% participation, especially in decision and policy-making positions.

Introduction

The Post-referendum Negotiations (the talks) between the Government of the Republic of Sudan and the Government of Southern Sudan began in 2010 with the objectives of finding amicable resolutions to the outstanding Comprehensive Peace Agreement (CPA) issues, and charting a course for cooperation regardless of the outcome of referendum. After the independence of South Sudan on July 9, 2011, the talks were appropriately renamed, post-independence negotiations. Following the trend of peace making processes between Sudan and South Sudan, these talks have become highly politicized and militarized – creating an exclusive process in disposition and composition.

The Addis talks remain in disposition a battle of wills between two political parties ever so trapped in tactical maneuverings to gain the upper hand in what have become a seemingly endless process of contest over power and resources. After a little over 2 years of engagement, the two parties, with the mediation of the African Union High Implementation Panel (AUHIP), and considerable pressure from the African Union Peace and Security Council and the international community, signed the 9 Agreements of 27th September 2012. These talks have been equally exclusive in composition led mainly by political and military leadership and cadres of the Sudan People’s Liberation Movement (SPLM) and the National Congress Party (NCP), who are almost entirely men. Although the framework of negotiations included a provision for stakeholder consultation and requirements of keeping the public informed about the process (Mekelle Memorandum of Understanding, 2010). These two processes that would have created opportunity for more inclusivity never materialized.

Peace making processes are often highly militarized and politicized and tend to regard conflict only from the perspective of armed groups struggling over power and resources rather than equally considering the social structures and dynamics underlying inter-group relations from whence conflict arises (Iwilade, 2013). Such processes ignore the interests and perspectives of non-state actors, women, young people and other excluded groups who often bring to the fore issues of equity, social justice and political inclusion, all prerequisites to sustainable peace¹. The exclusivity of the current talks resulted in demonstrated general reproof of the 9 agreements, prior to their ratification. A segment of the South Sudanese public, inflamed by the issue of ‘mile 14’, demonstrated against the agreements. Furthermore, Khartoum’s pre-emptive propaganda instigating and destabilizing border communities found yet another pretext for escalation. With Abyei and the border disputes still unresolved, and with the experience of post-agreements conditionality erected as obstacles to progress by the NCP, there is little confidence on prospects for sustained resolution. However, there has been considerable progress on implementation of the 9 agreements with the establishment of a demilitarized zone and the resumption of oil production and export.

The issue of the participation of women in peace making processes should be viewed within the context of broadening the political space to encompass and incorporate the diversity of experiences of the excluded segments of society. This should be done in an effort to formulate a new, more inclusive and responsive, paradigm of social organization through political participation in decision-making, development and socio-cultural construction of the new State. South Sudanese women’s equal participation in public life, and the government’s commitment to the redress of gender inequities based on history, customs and traditions are enshrined in the constitution. Although negligible progress is made thus far in this regard, the implementation phase of the 9 Agreements offers a unique window of opportunity for concrete and measurable ways for the inclusion of women and the gender perspective. It is important to note that

¹ibid

‘gender’ is not synonymous to women. It is a socially constructed concept of femininity and masculinity, and it subjective and varies by context. Inclusion of the gender perspective, therefore, means understanding the impact of a particular issue, and assessing the potential effects of a policy intervention, from the perspective of its variance on men and women.

This brief is about the prevailing exclusion of South Sudanese women and the gender perspective from the negotiations processes, and the opportunity for governmental redress at the junction of implementation of the 9 Agreements. The brief first discusses the constitutional right and the basis for the claim of women’s participation. It then provides a brief assessment of the legal framework for women’s rights in South Sudan, followed by a reflection on women and the gender perspective in Sudan-South Sudan peace making processes, and a discussion on the politics of exclusion of women. This brief then highlights the unique window of opportunities the implementation phase affords the Government of South Sudan for the inclusion and redress of gendered inequities; provides recommendations for policy makers, women organizations and political parties, and ends with some concluding remarks.

Women’s Participation in the Public Sphere: A Constitutional Right

According to Article 16 of the Transitional Constitution of the Republic of South Sudan (2011), the government of South Sudan shall “promote women participation in public life and their representation in the legislative and executive organs by at least twenty-five percent as an affirmative action to redress imbalances created by history, customs, and traditions”. This constitutional article on the rights of women also includes a much-overlooked clause that states “women shall have the right to participate equally with men in public life”.

The 25% is hence, the floor of the participation of women, a short-term strategy and a commitment of the government of South Sudan to increase the participation of half of its population in the public sphere. The institutions of the national government are slowly inching towards that floor of women’s participation with the Chairpersons of Independent Commissions at mere 10%, Council of States members at 12%, Undersecretaries at 13%, National Ministers and Presidential advisors at 17%. The institutions at the state and local levels, however, are seriously lagging behind with State Governors at 10% and County Commissioners at 2.3% (Ministry of Gender, 2013).

The merits and demerits of the 25% quota are not the subject of this brief. However, it suffices to suggest that, provisions to redress socio-cultural hindrances are critical to ensuring meaningful participation of South Sudanese women in the public life in the long-term. Socio-economic indicators better explain the social status of women, with bottom-up focused interventions coupled with national policy prescriptions appearing more effective in altering the position of women in South Sudan. A quick look at the socio-economic indicators of women highlights that the challenges of illiteracy and access to socio-economic development is staggering, in line with the issues facing the society at large, and affecting both men and women. According to the 2008 Census, the literacy rate in South Sudan is approximately 28% of which 60% are men. The 25% is allotted for women’s participation as a measure of redress, an attempt to rectify historical imbalances, leaving the 75% for equal competition between men and women according to merit. However, it is puzzling that this policy is misunderstood as to meaning 25% for women and 75% for men.

It would be of interest to understand the distribution of literacy, by state and by rural vs. urban centers, female and male percentages per level of education, and the issues of access to education for all, including socio-cultural practices that hinder girl’s education and participation in public life, in order to chart more meaningful long-term strategies. The meager literacy rate in South Sudan begs the question - is literacy the

main determinant for participation in governance? If it is, then it suggests that we have an inherently exclusionary governance system. It is worthy of noting that if we venture into level of education as determinant for participation in governance, it would suggest that we have an elitist governance system. All this to posit that assuming women (and also rural people in general) lag behind men in literacy and level of education is not sufficient justification for their exclusion from decision-making, the making of the constitution and peace making processes. It is however, an onerous to more investment in general and higher education, as well as literacy programs.

The failure of development to coherently address gender inequities is linked to the absence of women from decision and policy making and their perspective and interests (Koen, 2006). That women bear the brunt of conflict is a reality, therefore, post-conflict development policies must ensure incorporation of the perspectives of women, especially given the fact that war affects women differently. For the interest of equitable and sustainable development, the concerns and interests of women must as well be addressed in post-conflict settings. Beyond rights and moral obligation as basis for redress of gendered inequities in society and in particular in peace making processes and governance, it may be a question of the viability of the State. Research evidence suggests that there is a relationship between gender equity (equality in societal opportunities for men and women) and the political and economic stability of, and peace within, a State (Caprioli et al, 2007). Furthermore gender equity positively impact economic development, and reduces violence within a State, as “Gendered structural hierarchies, which are maintained by norms of violence and oppression, should result in higher levels of inter- and intrastate violence by both inuring people to violence and providing them with a framework for justifying violence.”²

Legal Frameworks for Rights of Women: International, Regional and National

There are international and regional frameworks guaranteeing women’s right to participation in peace making processes, among other political and economic rights. These include the UN Convention on the Elimination of All Forms of Discrimination against Women, the Protocol on the Rights of Women in Africa – Protocol to the African Charter on Human and People’s Rights, and the United Nations Security Council Resolution 1325 on women in peace and security. African heads of states have enshrined the international legal frameworks for women’s participation in peace and security into the African Union Protocol on the Rights of Women, which committed all African nations to their ratification and implementation; however, progress is stalled because of the lack of domestication of the international and regional resolutions and conventions into the national legal frameworks (Koen, 2006).

South Sudan’s constitutional making process and legal reform/development processes should take into consideration accession to and ratification of, international and regional legal frameworks on human rights generally, and the rights of women in particular, with or without amendments or reservations. While these instruments would provide a legal framework for addressing particular issues, they also provide opportunities and resources for redress through targeted socio-economic development activities.

Of chief importance to the soundness of the South Sudanese national legal framework on the rights of women is the harmonization of statutory law with customary law. The bill of rights affords women recourse for violations often not upheld by or protected under customary law, especially in areas of civil law and particularly in rural areas where the reach of the judicial system is deficient. This issue is beyond the scope of this paper, however, the status and treatment of women by the law is indicative of their position in society. Despite the constitutional rights of women to participation, the low representation of

² ibid

women in the public sphere regardless of the affirmative action quota as well as the underlying lack of harmonized national legal framework of these rights clearly indicate a highly strained political will towards the redress of gendered inequities. Increasing women in decision making positions, and the incorporation of gender perspective, in the justice and security sector, among other interventions, may be critical to addressing the gap between customary and statutory law.

The Two-fold Claim to Women's Participation

It is critical to understand that the claim to participation of women in peace making process is two-fold: participation as key actors, such as, negotiators, mediators, technical experts and official observers, and effective inclusion of the gender perspective in the agenda of peace making processes.

Firstly, women's right to participation in peace making processes needs no justification and cannot be overstated, and the constitutional requirement to redress inequities of women's participation in the public sphere through affirmative action should be fulfilled. The GOSS and the SPLM are essentially required to ensure that any roster appointing and assigning any government body at least meet the 25% quota of women participation. Participation of women is an end in itself, not necessarily a means to champion 'women's cause'. It contributes to the good of the whole society. Members of the negotiations team reflect the position of the party/government; however, they also often bring to the table their myriad of experiences and perspectives and utilize them as tools for negotiations and conflict resolution. It is therefore true that, women as negotiators and decision makers would employ their unique perspectives to add value to a negotiations process. In our nascent context, however, it is important to note that "in engaging the problematic of women participation, it is crucial to note that women, who get seats at peace talks by virtue of their sponsorship by dominant class interests or as consorts of men, cannot be expected to confront the unique issues faced by common women. To the extent that their claim to power derives from their social navigation of the structures of power through relationships with men, their representation can only reinforce the very basis of women's subordinate status" (Iwilade, 2013). Given that the inclusion of women not only as participants but also as decision makers necessarily broadens the political space and is a major step towards inclusivity. It is important that appointments include women with various backgrounds representing the range of experiences and perspectives of South Sudanese women.

Secondly, peace-making processes generally lay the foundation to state and nation building processes and sets the course for reconstruction and development. Inclusion of the gender perspective or gender mainstreaming is "a process of assessing the implications for women and men of any planned action, including legislation, policies and programmes, in all areas and at all levels. It is a strategy for making women's concerns and experiences, as well as men's, an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally and inequality is not perpetuated" (Koen, 2006). A gender blind peace agreement or negotiated settlement or process disadvantages and fails to address the concerns of, and engage, a sizable if not half of the population. Engendering the agreements would entail recognition of issues arising from power distribution within society and their differing effects based on gender and framing not only policies to address these issues, but also mechanisms.

Women and the Gender Perspective in the Sudan-South Sudan Peace Making processes

The Participation of women in track-one³ diplomacy in Sudan-South Sudan Peace making processes has

³ The formal process, or official discussions or negotiations between parties in conflict

been seriously deficient, in line with the global trend. The global percentage of participation of women in peace making processes, in 17 cases studied thus far, as negotiators is 9%, 4% as signatories and as mediators in all UN brokered peace agreements is 0% (UN Women, 2012). The passage of Resolution 1325 which is focused on the role and position of women in peace and security in 2000 has resulted in considerable progress being made, however inconsistent. For example, in the Philippines peace process (2011) 35% of negotiators were women, and 33% women participation in the same process and that of Honduras (2009), Kenya Process (2008) 33% mediators, and Sierra Leone Lome Peace Agreement (1999) and Democratic Republic of Congo (2008) 20% women participated as witnesses⁴.

The SPLM included only 3 women in its official delegation to the formal negotiations of the Comprehensive Peace process, mainly as a token measure to gratify the demands of effective track-two⁵ diplomacy by women's groups (Ministry of Gender, 2013). According to Dr. Ann Itto, "the SPLM/A leadership nominated a handful of women leaders as members of the delegation to Machakos and subsequent rounds of negotiations...they were expected to contribute to the overall party position which was gender-blind to begin with; and they were always a minority, ill-prepared for debates with seasoned politicians who ridiculed or intimidated anyone who dared to spend much time on gender issues" (Itto, 2006). Although the CPA is recognized as a missed opportunity in regards to gender mainstreaming, the women were able to incorporate the principle of gender equity and the institution of an affirmative action of 25%. However, the commitment to equal participation in public life and redress of historical and socio-cultural issues has become a mere pledge not supported by indicators and benchmarks. Furthermore, issues of judicial and security sector reforms and other processes of social cohesion and justice were not gendered, if at all instituted.

The Post-Referendum Negotiations process has been exclusive in composition since its inception in 2010. Negotiators from both sides represented only the entrenched views and positions of two highly contentious political parties, namely the SPLM and the NCP. Consequently, the committees are principally composed of the political leadership and cadres of the two parties, and deplorably deficient in women's participation. The GOSS/SPLM negotiations team consisted of a lead negotiations panel; a joint technical secretariat; and four committees, namely on Citizenship, security, economic and natural resources, and Treaties and other legal matters. The 6 member lead negotiation panel is the highest decision making body within the negotiations team is completely devoid of women (0%). Out of a total 34 negotiators, the committees only included 3 women (8.8%) (Government of South Sudan Presidential Order 2010). The Joint Technical Secretariat included 2 women out of 5 members (40%), but out of the 13 secretaries for the committees, none (0%) were women. The Security and International Treaties Committees included no women.⁶ Two of the 3 women negotiators were members of the Citizenship Committees, and the other woman negotiator was a member of the Financial, Economic and Natural Resources Committee. There is no woman as a co-chair or deputy chair of any of the four committees; and the percentage of women in the entire committee is 8.6%.⁷ These statistics suggest that the centers of power in South Sudan may harbor a serious distrust in women's competencies for making key national decisions.

As it stands, the 9 agreements set does not account for potential impact of policies and mechanisms on the

⁴ ibid

⁵ The informal process is usually continuous dialogue centred on relationship building and formulating creative solutions for problems on the agenda of the formal process. Participants that lead the informal process have access to, or influence on, the high-ranking officials engaged in the formal process, through lobby, advocacy and pressure.

⁶ ibid

⁷ ibid

basis of gender, a direct result of the exclusion of women and, to a greater extent, the ‘gender perspective’ from the negotiations table (United States Institute of Peace, 2013). Interestingly, as the talks evolved, the 3 women negotiators ceased their participation in the formal process, few women entered the process as members of technical committees as institutional representatives and legal advisors on an ad hoc basis, and in the height of negotiations a woman with expertise on the oil sector of Sudan became the sole female negotiator in the team. An astounding factor is that 2 of the 3 women included in the post-referendum as negotiators were also engaged in the CPA process. So the question becomes: is this a deliberate exclusion of women?

The Politics of the Exclusion of Women from Peace making processes

At face value, and with the statistics above highlighting the deficient participation of women in the post-referendum/independence negotiations process, the exclusion of women from peace making processes may be expediently considered the policy of the government of South Sudan. But is it a conscious policy decision or a default to the historical/cultural disposition? And why does the policy of exclusion prevail upon the constitutional commitment of the government of South Sudan to ensuring at least the 25% floor of women’s participation?

The women of South Sudan have contributed effectively to all the processes of the liberation struggle in various roles, including those of combatants. They have also played essential and at times pivotal roles in ensuring the social cohesion through the processes of communal peace-building and conflict resolution. During the CPA process women organizations advocated regionally and internationally for the cause of South Sudan, lobbying extensively for ‘women’s agenda’ which led to the institution of the 25% affirmative action, among other constitutional gains in the CPA. However, they tend to disappear completely from the formal negotiations processes. We explore next some possible answers for this question, which are by no means an exhaustive list.

Peace Making Processes are of a Political and Military Nature, hence Gender Neutral

Gender neutrality of the peace making process has been the most expedient response by the decision makers, to the demand of participation by women in peace making processes in South Sudan. To narrowly define a negotiations or peace making process as conflict resolution through the division of power and resources between two parties is to lose an opportunity of transforming a conflict and violence ridden society into a peaceful and just one. Peace is not absence of war; therefore, paramount to peace making processes is the objectives of social justice, social cohesion and security in all its aspects. To date in Sudan-South Sudan peace making processes, the ruling political party assumes, first the responsibility of achieving peace/agreements on behalf of all the citizens of South Sudan, and second that the issues discussed affect all citizens equally. This is common practice in most peace making processes; however, there have been experiences of wider consultations, such as the Darfur and the Afghanistan Peace Processes that included civil society consultations and greater participation by women.

In the CPA process, women were classified as ‘passive victims’, with their essential role in conflict and conflict prevention and peace-building processes effectively dismissed, and their potential contribution to a process of division of power and resources doubted (Itto 2006). The SPLM Negotiations Team for the CPA process included 3 women as observers and seldom as negotiators; they were usually ill prepared to echo anything but the SPLM’s position, and lacked a women’s agenda and or a women’s machinery of

support.⁸ Women are vanguards of tradition and customs in society tasked to perpetuate them from generation to the next; additionally they nurture exclusionary nationalism and have the propensity of being both peacemakers and warmongers (Iwilade, 2013). Women are seldom seen in the roles of boosting the moral of warring factions, and chastising men for signs of cowardice in the face of eminent conflict, they call to the fore the socially sanctioned models of manhood and impress them upon their sons, brothers and husbands. Therefore, their effective engagement in peace making processes, beyond symbolic representation is not only essential but also pivotal, to finding sustainable resolutions to conflict.

Moreover, what is political is seldom gender neutral, chiefly because the political is power-relations, dictated by existing socio-economic and cultural power structures around which each society is structured. Demilitarization, for example, is a gender issue, and only through an engendered policy formulation process that we appreciate and address the consequences of militarized society that are serious threats to human security, such as gender-based violence, towards men and women. Furthermore, the forms through which violence is manifested are in line with existing power structures (Klot 2007).

Peace Making Processes are of Technical Composition and there are no Qualified Women

The claimed dearth of technical capacity of South Sudanese women is yet another expedient response by decision makers to the demand of participation in peace making processes. Wherefore representation of women is not only a right, but also equally an obligation of the government to fulfill the quota as a short-term measure of redress for historical and socio-cultural inequities. It is therefore incumbent on the government to identify and equip women to effectively contribute to these processes. Also, there is a trend to require too much in regards to qualification for women through rigorous scrutiny as opposed to men included in the peace making processes (Ministry of Gender, 2013). The challenge of equity requires evenhanded approaches especially in the application of positive discrimination otherwise known as affirmative action.

There are ample opportunities for the inclusion of women in peace making processes. However, it appears that decision makers have no knowledge of the technical capacities available among South Sudanese women. When the lists are drawn, the political parties are essentially appointing their cadres, and the security/military sector is essentially selecting its 'loyal' members. If no women come to mind, this should directly call into question the issue of effective women's representation, engagement, and development in the rank and file of the political parties and the security sector, rather than be a definitive indictment on the technical incapacity of South Sudanese women. Finding no women to enlist for negotiations, if that is true, should also be testament to historical injustices and cause for reflection on how to create programs that enhance women's capacity in the future.

For example, the post-referendum negotiations team included 13 secretaries for the committees who were all men. A quick assessment of the list composed of lawyers and undersecretaries indicates a selection based on some sort of relevant expertise or experience. Are there qualified and experienced women lawyers? The answer is of course yes, and their exclusion suggests a deliberate disregard of their capabilities, and contribution, a statement that perhaps intentionally echoes the refrain 'this is no place for a woman'. It is important that the ruling party and other political parties take notice of, develop and utilize the women with knowledge, expertise, and relevant experience within their ranks; and for the Government of South Sudan to reach beyond these to all sectors of the South Sudanese citizenry for competent and capable women.

⁸ *ibid*

The Absence of effective Women’s Machinery (Interest/pressure groups) to demand Participation and Act as a Mechanism of Advocacy, Lobby, and Monitoring

A serious challenge to the participation/inclusion of women in peace making processes is the absence of effective women’s machinery that advocates and lobbies for, and monitors the progress/effectiveness of women’s participation in the public sphere in general, and peace making processes in particular. The struggle of women is for participation but the method is through inclusion. Therefore, it’s important for women to unceasingly interface with the centers of power and decision makers to ensure their effective participation. Furthermore, effectiveness of such machinery hinges upon its legitimacy as an agent of women from all walks of life, which will afford it access to, and compliance of, the decision makers and the political leadership.

The gains for gender equity in the CPA were achieved through effective women’s machinery, which lobbied the leadership and organized and acted through track II and III diplomacy. There exists a wealth of experience and contributions of South Sudanese women in peace building processes since the years of liberation struggle. However, most South Sudanese women with these track II and III experiences, and the very few with track I experiences have moved into leadership positions in the government or political parties. Their gains and lessons learned must be documented and made accessible to a new generation of women.

The Coalition of Women Leaders of Sudan, assisted by Women Waging Peace International, is an example of such machinery that included women from civil society, government, academia, professionals, and women’s organizations. After independence this coalition was divided into two groups representing South Sudan and Sudan, respectively. The two groups met on the sidelines of the AU Summit to define a common agenda around the implementation of the 9 agreements and the quest for sustainable peace between their two countries (Women Shaping Peace, 2013). This experience highlights the potentiality of cross border people to people dialogues and efforts in cementing bilateral peace. There is also a great potential for women groups in South Sudan to deal with issues of domestic insecurity caused by conflicts between communities. There are also great regional examples such as the Mano River Women’s Network, a West African women’s network that advocates for the participation of women in the region’s peace making processes, is a great regional example to be emulated. The challenge for the Coalition of Women Leaders of South Sudan is to first build its cohesiveness and organize around a ‘women’s agenda’ with goals and benchmarks, and second to create a bridge between women in the political leadership, civil society and the grassroots in order to correctly voice and table the concerns of women.

Women have Little to no Access to Information on the Process, and Little Access to Centers of Power and Funds

Another challenge to women’s participation, assuming that they are organized, capable and interested in engaging, in peace making processes, is access to information, centers of power, and funds.

Access to contemporary information about the terms of reference and composition of negotiations teams, technical bodies, mechanisms of monitoring and consultation, and text of agreements and implementation modalities, among others, is essential for women to ensure their full participation, and to lobby for the inclusion of the gender perspective in relevant issues. Moreover, access to the center of powers is imperative if women are to influence policy and ensure their inclusion in the negotiations teams and the mechanisms of implementation. Access to the formal process is usually controlled and groups demanding

access are usually met with suspicion. The fear is that ‘new comers’ would unnecessarily forestall and complicate the process.

Access to funding is another challenge to effective women’s participation. Women’s organizations in South Sudan are challenged in their ability to undertake their track II and III diplomacy initiatives because of their inability to access funding. They are unable to travel to the venues of negotiations in order to lobby for their interests and advocate for specific policies. This is complicated further by inability to access information in a timely manner as to be able to access funding from donors within set timelines. Funders seldom offer flexible funding, and therefore, women are unable to participate in a sustained and effective manner. This is a general challenge for women’s organizations in post-conflict societies. For example, Burundian women participation in the Arsuha peace process ensured adoption of the principle of gender equity in Burundi’s framework for democratic governance and peace building, yet due to lack of funding to sustain their activities, women were excluded from the implementation phase (Klot, 2007).

Implementation: A Unique Window of Opportunity for Inclusion and Redress

“Peace building may well offer the single greatest opportunity to redress gender inequities and injustices of the past while setting new precedents for the future” (Klot, 2007).

The implementation phase of the 9 Agreements presents a golden opportunity for meaningful women participation and redress of gendered inequities. The question becomes, what role can women play in enhancing the implementation of the 9 Cooperation Agreements between Sudan and South Sudan? And how should the Government of South Sudan deliver on its commitment to effective participation of women in the implementation mechanisms?

It is no question that the implementation phase affords opportunities for addressing issues not dealt with in the formal process and infusing community concerns and priorities to consolidate peace through consensus building and consultation mechanisms. Laying the foundation for a peaceful society necessitates the consolidation of peace by ensuring stakeholder input and ownership of the processes. The agreements call for various bodies to conduct consultations with the public and civil society organizations with the objective of informing policy formulation, such as the Ad Hoc Committee for the Security Arrangements. The Border Area agreement, 2012, for example, urges the Joint Border Commission to “give due consideration to the views of the host communities, border communities as well as to interests and views of other affected interest groups”. Furthermore, there is a direct correlation between an informed public and consolidation of peace agreed on the negotiations table necessitating the establishment of mechanisms for the dissemination of information about agreements, procedures and policies, and challenges of implementation.

There are 20-25 bodies for implementation and monitoring, verification and evaluation of the implementation process to be established by the two parties. These mechanisms maybe staffed by institutional representatives, technical personnel and experts from various fields. It’s imperative that the Government of South Sudan ensures meaningful participation of women in these bodies and mechanisms of implementation by at least 25%. Women are uniquely placed in society, and therefore have the ability to communicate the myriad of issues facing their communities. Their participation in policy and decision making positions have a strong tendency to humanize and enrich with contextual realities what may be seen as only a technical process. Moreover, the social position of women of being structurally excluded from the centers of power makes her keen to understanding and resolving issues of structural exclusion, inequities and discrimination (Iwilade, 2013). Furthermore, engaging women and their grassroots

organizations adds concrete value to peace making processes. Effective women's groups can be engaged in the activities related to consultations and dissemination of information. Instead of being viewed with suspicion, the women organizations of South Sudan should be correctly viewed as partners and stakeholders in peace building processes and post-conflict development.

There is a critical opportunity for engendering the policies and procedures to be devised by the mechanisms for implementation of the 9 agreements. The women shaping peace in Sudan and South Sudan Conference identified the issues of community/human security and demilitarization in the Border and Security agreements, as well as the Status of Nationals Agreement as a whole, as areas of concern that provides opportunities to engage women and incorporate the gender perspective (Women Shaping Peace, January 2013). One of the conference's recommendations is that the Joint Border Verification Monitoring Mechanism (JBVMM) identifies the cross border patterns of women movement for trade and cross border families, and ensures policies of border crossings take those into consideration.⁹ Support for the assertion that the participation of women in policy making and security matters leads to achievement of sustainable human security, is predicated upon the fact that women experience insecurity differently than men, and they are more likely to resolve conflict situation without use of force (Iwilade, 2013).

Recommendations

In recognition of the unique window of opportunities this study would like to make the following policy recommendations:

The Government of South Sudan should:

- Reaffirm its commitment to ensure effective participation of women in peace making processes by building capacities of women in negotiations and mediation.
- Guarantee at least 25% representation of women, including in decision making positions, in all (20 – 25) mechanisms of the implementation of the 9 agreements, formed and yet to be formed (Women Shaping Peace, 2013).
- Commission and endorse, under the auspices of the Ministry of Gender, Child and Social Welfare.
 - A roster of women with degrees, technical expertise, and relevant work experience to be used as a resource for appointments.¹⁰
 - An annual appraisal and report on the progress of participation of women in governance.
- Appoint a gender expert/focal point to its negotiations team with the objective of engendering the implementation mechanisms and policies of the 9 Agreements, and whose TORs would include liaising and consulting with women organizations and grassroots women.
- Ensure ongoing public access to contemporary information on the substance and status of the negotiations and implementation process.¹¹
- Adopt a gender-responsive approach to community security and including female officers in

⁹ ibid

¹⁰ ibid

¹¹ ibid

security forces, and widen the definition of ‘security’ to that of ‘human security’.¹²

- Create funding streams that enable women groups and organizations to organize to learn, educate, advocate and contribute to the process of implementation of the 9 Agreements and to peace making processes in general, domestic and bilateral.

Women’s Civil Society Organizations and Professional Associations should:

- Adopt a ‘women’s action agenda’ during the upcoming South Sudan Women National Conference, around which women’s civil society organizations, professional associations, coalitions, networks and allied civil society groups would synchronize their activities.
- Participate in the process of developing a South Sudan National Action Plan on 1325 and ensure it includes concrete benchmarks in regards to capacity building of women as negotiators and mediators, participation of women in peace making processes, and engendering policies and mechanisms of the implementation of peace making processes, among others.
- Establish a women’s machinery (mechanism/interest group) for advocacy and lobby for the participation of women in, and for monitoring the progress of, the implementation process of the 9 Agreements in particular, and peace making processes and governance in general. This machinery would provide platforms for the engagement of women from civil society with women and men allies in all branches of government.
- Work in collaboration with the Ministry of Gender, Child and Social Welfare to develop a roster of women with technical expertise, education, and relevant work experience.

Political Parties should recruit and develop women cadres and ensure at least 25% participation in all levels including decision and policy-making positions.

Conclusion

It is in the interest of the Government of South Sudan and its ruling party, the SPLM, to devise means and ways to ensure that the floor of women’s participation is paved, and that the cultural, social and economic barriers to effective women’s participation in public life are addressed. Peace making processes are a high profile arena of political participation and the strides taken through participation of women and engendering agreements, policies and mechanisms of their implementation would be indicative of the government of South Sudan’s unwavering political will to address any existing gaps. Participation of women in the public life or lack thereof, is an indication of the historical, socio-cultural existing gender power structures and superstructures of our society. Therefore, redress requires a long-term plan that is focused on transformation of the social, political and economic platforms with a coordination that involves multiple sectors and tools. Effective engagement of South Sudanese women in peace making processes, governance and economic development is sure way towards consolidating peace and security and ensuring the political and economic viability of the nascent State of South Sudan for the benefit of all its people.

¹² ibid

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The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for

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