

# Inclusive Security: Women Waging Peace

## Implementing Peace in Sudan



**Institutionalizing Rule of Law, Transparency, and Accountability**

**Creating a Representative and Democratic Government**

**Promoting Social and Economic Development**

**Establishing Security and Providing Humanitarian Assistance**

*Rebecca Okwaci, secretary general, Women Action for Development, and executive producer for Sudan Radio Service*

With the signing of the Comprehensive Peace Agreement in January 2005, the international community began preparing for the next phase of the peace process between the North and the South—the implementation of the peace agreement and the reconstruction of the country. There is optimism that the agreement signals a peaceful and prosperous future. In Darfur, however, the widespread violence and a severe humanitarian crisis continue unabated despite a cease-fire agreement and the presence of an African Union peacekeeping mission. A peaceful settlement in Darfur will be a necessary precursor to the successful implementation of the peace agreement between the North and the South.

Although marginalized in the peace negotiations that led to the Comprehensive Peace Agreement, women must now be fully included in all aspects of the implementation phase of the peace agreement. Women make up 65 percent of the population in the country and up to 75 percent in areas most affected by the conflict.<sup>1</sup> They are integral to rebuilding, reforming, and revitalizing the economic, political, social, and cultural life of the country. Women can play an important role in promoting socio-economic development, creating a representative democratic government, building transparency and rule of law, and addressing immediate security and humanitarian concerns. Sustainable peace will not be possible without the commitment and efforts of women. All relevant parties need to make specific efforts to support women's peace-building efforts and include them throughout all aspects of the implementation process.

# Institutionalizing Rule of Law, Transparency, and Accountability

The institutionalization of rule of law, based on human rights, will be a prerequisite for sustainable democracy. One of the most important components of the implementation phase will involve the establishment of a legal system and the drafting and approval of a national constitution and a constitution for the South. The Comprehensive Peace Agreement outlines the constitution-making process, including the establishment of the Constitutional Review Commission and an “inclusive Constitutional Review Process.”<sup>iii</sup> The agreement also details the procedures for establishing an independent judiciary, which will be essential to maintaining law and order and protecting the constitutional rights of all citizens. In addition to the creation of a judicial branch, the drafting of new legislation and the reform of existing laws will be necessary in all areas. One immediate challenge will be to formulate mechanisms to address crimes committed during the conflict. Transitional justice mechanisms must be established to provide justice to victims and accountability for perpetrators and to restore the rule of law in the country.

Women have been discriminated in both the letter and application of formal laws, as well as traditional laws and practices. It is essential that the constitutional text and laws governing such areas as citizenship, family relations, property and succession, and violence against women reflect women’s equal rights. Furthermore, the implementation of the law requires training of judges and court personnel and independence and transparency throughout the judicial branch. Women should be involved fully in the formation of the constitutions, laws, law enforcement, and judicial structures and women’s rights should be

thoroughly integrated throughout the system. Women have tremendous contributions to make in the formation and functioning of transitional justice mechanisms, as witnesses, judges, and staff, and they bring different perspectives and gender expertise that can improve the procedures and substance of the proceedings. Women can play a central role in building credible and effective processes for accountability and reconciliation.

## Recommendations:

- *During the constitution-making process, include a minimum of 30 percent women in the National Constitutional Law Review Commission, ensure that the national constitution and constitution for the South guarantees equal rights for women, and consult with women as part of a public outreach and education campaign to gain support for the final documents.*
- *Design accountability and transitional justice mechanisms to address crimes against civilians and to ensure that acts of gender based violence are prosecuted as war crimes and crimes against humanity in accordance with international humanitarian law.*
- *Undertake legal reform to eliminate laws that discriminate against women, both de facto and de jure.*
- *Train and promote women in the judicial sector, ensure that women are represented on all commissions and courts established by the Comprehensive Peace Agreement, and require gender training for all judges, lawyers, and court administration personnel.*



"The government thought that, because we are women, we would be scared of imprisonment and that we would stop working. We never stopped working, our group [is] still working in Sudan, and we are representing the groups in [the] UK and all over the world."

Muna Khugali, founder of Sudanese Women Against Violence

*Sudanese women leaders in Khartoum.*

• The biggest challenge for us as women of southern Sudan is to learn from our sisters, who are our neighbors, about constitution writing and representation. What are the things we need to look for so that we can be effective? How can we ensure that the concerns of women are actually included so that we have a gender sensitive constitution, so that the laws that are formed are friendly, so that we are not seen as intruders, but as part and parcel of the society, as people who have the right to contribute to the development of the country? Because of the war, women make more than 50 percent of the population. The political vote is in our hands, but how do we make use of it at this crucial time?

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Lona Lowilla, Peace Building and Conflict Management Program coordinator, South Sudan Programme, OXFAM Program Coordinator, South Sudan Programme, OXFAM

*Maha Sheriff, Darfur Women's Solidarity Society and Durria Mansour Elhoussein, deputy chair of the Sudanese Women's Empowerment for Peace Network.*



## Creating a Representative and Democratic Government

The parties expressed a strong commitment to the principles of good governance and democracy throughout the protocols and agreements that make up the Comprehensive Peace Agreement, including the Machakos Protocol and the Protocol on Power Sharing. The current challenge is to implement those principles with the establishment of a fully representative and democratic governance structure. The parties will need to address such issues as voting rights and procedures, power sharing structures, political party development, establishment of an electoral law and monitoring mechanisms, formulation of the legislature, presidential authority, and the creation of a civil service. The Comprehensive Peace Agreement includes a description of the implementation modalities for accomplishing these steps. The agreement provides for a number of commissions to be established to facilitate the transition, including a Referendum Commission, National Electoral Commission, National Civil Service Commission, and Human Rights Commission.

Historically, women have been under-represented in elected office and formal governing structures. Although commitments have been made in the South and the North to institute quotas for women's participation in political structures, these commit

ments remain inadequate and unfulfilled. Women must participate fully in the governance process as citizens, voters, political party leaders, civil servants, and elected officials. All governing structures that are established should include women representatives and all political outreach activities should include specific efforts to involve women. Women's political rights should be a central component of the public discourse during the preparations for elections and the formation of the government.

### Recommendations:

- *Establish and fulfill a quota for 30 percent women in all governing and deliberative bodies at the national, local, and regional governments.*
- *Create gender focal points in each ministry to oversee gender mainstreaming and provide them with the authority and resources to fulfill their mandate.*
- *Institute "gender budgeting" in all ministries to develop a national budget that is responsive to the needs of women.*
- *Support gender training for political parties using national and international experts and national women's organizations, and fund capacity building for women political candidates.*

# Promoting Social and Economic Development

There is gross economic disparity between northern and southern Sudan. Intentional neglect of development in the South was a key cause of the conflict. The South's economy survives on pastoral and agricultural subsistence, and there is little access to healthcare, education, or employment opportunities. Crumbling infrastructure contributes to near total isolation. The Comprehensive Peace Agreement includes steps to clarify land ownership, manage natural resources, share revenues, manage fiscal and financial allocation, and develop banking and currency systems. Various commissions and funds are to be set up to manage and pay for these activities. Wealth-sharing is an important element of the Comprehensive Peace Agreement, which articulates how wealth and resources will be developed, managed, and distributed. The implementation of these principles will guide the socio-economic development of the country.

Women must be involved in the economic decision-making and monitoring of wealth distribution. At the national level, women should be represented on the various commissions, especially those governing national resource distribution (i.e. Land Commission and Petroleum Commission). At the local level, women's needs and contributions to economic development must be considered and integrated into all programs. The issue of land and wealth distribution directly impacts women. Women head households and comprise the majority of the agriculturalists in southern Sudan, yet they do not have legal access to land or resources due to discrimination in the constitution and in customary law. Nevertheless, women "are increasingly breaking

out of the mold and challenging their traditional status."<sup>iii</sup> As breadwinners and decision makers, women are starting income generation projects, some in fields as untraditional as carpentry. In addition, women have organized to respond to the needs of orphans, street children, and others in dire economic straits.

## Recommendations:

- Support women's economic empowerment by reforming laws relating to land tenure, title and ownership rights and by increasing the availability of credit for women.
- Include a quota for 30 percent women in all economic-related commissions established by the Comprehensive Peace Agreement, including the Land and Petroleum Commissions.
- Require special earmarks to foster women's participation in reconstruction projects and require that a share of aid contracts go to women-run organizations.
- Increase women's organizational and management capacity to write funding proposals, manage programs, document/raise awareness of peace-building efforts, and monitor/evaluate efforts to enable funding by international donors.
- Establish education and training programs, particularly literacy and numeracy for women and girls, vocational education, and girls' primary and secondary education.

## End Notes

<sup>i</sup> *Women's Leadership Capacity in Southern Sudan: An Assessment by the International Republican Institute*. Washington DC: IRI, 2003.

<sup>ii</sup> *Women's Leadership Capacity in Southern Sudan*, supra.

<sup>iii</sup> *Agreement Between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) on Implementation Modalities of the Protocols and Agreements*, supra, Section 45.

<sup>iv</sup> *Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities During the Pre-Interim and the Interim Periods Between The Government of Sudan (GOS) and The Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA)*, Section 24.8, Naivasha, 31 December, 2004.

<sup>v</sup> *Specific Groups and Individuals, Mass Exoduses and Displaced Persons*. New York: United Nations Commission on Human Rights, 2003. 4 October 2004 <<http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/%2BPwwBmegdrFKwwwwwwwwwwwwwtFqh1mwDMFmqDFqm7y-dFqt2lygZf3zmtwwwwwwGFqmlyNBFqzI2bENNuEP/rsddocview.pdf>>.

<sup>vi</sup> "Sudan: Special Report on Women in the South." *IRINnews.org* 20 August 2003. 4 October 2004 <[http://www.irinnews.org/report.asp?ReportID=36080&SelectRegion=East\\_Africa&SelectCountry=Sudan](http://www.irinnews.org/report.asp?ReportID=36080&SelectRegion=East_Africa&SelectCountry=Sudan)>.

Peace

# Establishing Security and Providing Humanitarian Assistance

The peace between the North and South is fragile. There are immediate security concerns and the humanitarian needs in the country must be addressed in order to end the violence and prevent a resurgence of conflict. The UN Mission in Sudan (UNMIS) will be responsible for monitoring and assisting implementation of the peace agreement. Two issues that require attention are disarmament, demobilization, and reintegration (DDR) and security sector reform, and humanitarian assistance, including the return of refugees and internally displaced persons (IDPs).

The Comprehensive Peace Agreement provides for a DDR program and requires that it “shall be gender sensitive and shall encourage the participation of the communities and the civil society organizations with the view to strengthening their capacities to play their role in improving and sustaining the social and economic integration of former combatants.”<sup>iv</sup> Peacekeepers and other international personnel should recognize the complex roles that women play in each phase of DDR. The DDR program should not overlook women who have been abducted by armed actors, women who have directly supported the combatants, and women who are family of combatants, as well as women combatants themselves. Women play a stabilizing role in the reintegration and reconstruction their communities. They should receive continual and systematic support for these efforts and assistance to encourage economic opportunities and political participation. Women’s needs and capacities as active partners must be considered and integrated into disarmament activities and in the reintegration phase.

Women comprise the majority of IDPs and refugees throughout the country and abroad, and “rape and other sexual violence [are] both a cause and a consequence of displacement.”<sup>v</sup> During resettlement, women face specific challenges including increased burdens as female heads of household, little access to healthcare

and education, and few economic opportunities.<sup>vi</sup> Despite their victimization, women have formed organizations throughout the country and in neighboring states to assist IDPs and refugees. However, much more must be done to bolster women’s efforts, protect refugees, empower women in camps and during resettlement, and create a secure environment to which they may return.

## Recommendations:

- *Ensure that the UN mission: consults with women and supports women’s peace-building activities; provides the gender unit with adequate seniority, staffing, and resources to fulfill its roles; recruits women as peacekeepers, human right monitors, security officers, and police; and provides all personnel in the mission with gender and human rights training.*
- *Include women in all institutions established to plan, manage, and implement DDR programs in the country and ensure that DDR efforts are gender sensitive and consider the needs and capacities of women.*
- *Require that women receive their own identity cards and that returning and repatriating women can be considered heads of household.*
- *Include women in the design and management of refugee and IDP camps and consult with women in planning humanitarian assistance and the process of return, resettlement, and reintegration.*
- *Include women in the process of reforming the security sector, including the armed forces and domestic security institutions.*

*Waging members Jemma Kumba, South Sudan Programme officer for Gender; Rebecca Okwaci, secretary general, Women Action for Development and executive producer for Sudan Radio Service; and Amel Gorani, former executive director, Sudan Future Care Amal Trust, on a panel in Nairobi, Kenya, January 2005*





*Kezia Layinwa Nicodemus, Sudanese People's Liberation Movement commissioner for women, gender, and child welfare and Awut Deng Acuil, Secretary for Information of the West Bank Peace Council*

**Inclusive Security: Women Waging Peace** advocates for the full participation of all stakeholders, especially women, in peace processes. Creating sustainable peace is achieved best by a diverse, citizen-driven approach. Of the many sectors of society currently excluded from peace processes, none is larger—or more critical to success—than women. Since 1999, Waging has connected more than 400 women experts with over 3,000 policy shapers to collaborate on fresh, workable solutions to long-standing conflicts across the globe.

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