

**WOMEN AND COMPREHENSIVE PEACE AGREEMENT: THE CASE OF  
SOUTHERN SUDAN, 2005-2012.**

**BY**

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**DECLARATION**

This is my original work and has not been presented for the award of degree in any other University.

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## **DEDICATION**

I dedicate this work to the women of Southern Sudan who bore the brunt of the cruelty of war but still stood on as mothers, wives, fighters and peace makers.

## **ACKNOWLEDGEMENT**

First of all, I would like to thank the Department of History and Archaeology of the University of Nairobi for giving me a chance to study and bring out the face of the Southern Sudan women. The members of staff gave me support and treated me as their son. They nurtured and guided me to this level.

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## TABLE OF CONTENTS

Declaration .....	ii
Dedication .....	iii
Acknowledgement .....	iv
Table of Contents .....	v
Abstract .....	vii
Acronyms .....	viii
Definition of Terms.....	xi
<b>CHAPTER ONE:INTRODUCTION OF THE STUDY .....</b>	<b>1</b>
1.1 Introduction.....	1
1.2 Statement of Research Problem .....	7
1.3 Objectives of the Study.....	8
1.4 Scope and Limitation of the Study.....	8
1.5 Justification of the study .....	9
1.6 Literature Review.....	9
1.7 Theoretical Framework.....	15
1.8 Research Hypothesis.....	17
1.9 Research Methodology .....	18
<b>CHAPTER TWO: HISTORY OF CONFLICT IN SUDAN .....</b>	<b>19</b>
2.1 Introduction.....	19
2.2 The Sudan Conflict .....	19
2.3 Historical role of Sudan Women in Armed Conflict .....	27
2.4 Conclusion .....	29
<b>CHAPTER THREE:FAILURE OF THE 1972 ADDISS ABABA PEACE AGREEMENT</b>	<b>30</b>
3.1 Introduction.....	30
3.2 The Addis Ababa Peace Agreement .....	31
3.3 Effects of the Addis Ababa Agreement .....	32
3.4 Failure of the Addis Ababa Agreement .....	35
3.5 Conclusion .....	41

<b>CHAPTER FOUR:ROLE OF WOMEN IN COMPREHENSIVE PEACE AGREEMENT</b>	<b>43</b>
.....	
4.1 Introduction.....	43
4.2 Obstacles to Women’s Participation in the Comprehensive Peace Agreement.....	43
4.3 Women and the Comprehensive Peace Agreement, 2005 .....	45
4.6 Women Involvement in Comprehensive Peace Agreement .....	53
4.7 Women Experiences after the Comprehensive Peace Agreement .....	58
4.8 Lessons Learned from the Experience of Seclusion of Women .....	61
4.9 Conclusion .....	62
<b>CHAPTER FIVE:SOUTH SUDAN WOMEN IN POST INDEPENDENCE ERA.....</b>	<b>64</b>
5.1 Introduction.....	64
5.2 The Situation after Independence .....	64
5.3 South Sudan Women in Post Independence Era.....	71
5.4 Conclusion .....	73
<b>CHAPTER SIX .....</b>	<b>75</b>
<b>CONCLUSIONS .....</b>	<b>75</b>
<b>REFERENCES.....</b>	<b>80</b>

## **ABSTRACT**

This study investigated the contribution of Southern Sudan women in peace making, peace building and conflict negotiations in the Comprehensive Peace agreement that was signed in 2005 in Kenya by showing the realities of women experiences in the protracted war. It highlighted the truth on perception of women as inferior members of the society in a patriarchy structure of decision making. The study highlighted women's sufferings during wars and the unfair treatment upon return to peace. Women have highly distinct experiences of conflict which tend to leave them marginalized in peace negotiations and significantly disadvantaged with the onset of peace. The study indicated realities in Sudan where women acted as the unifying actors in the country that has suffered long years of war. The main objective of the study was to investigate the role of Southern Sudan women in the Comprehensive Peace Agreement (CPA), by examining their participation in the peace process and highlight the part they played in conflict management, prevention and peaceful settlement. The research confined itself to the period of 2005-2012.

The research analyzed the trend of civil wars of 2005-2012. The period provided the basis of real issues affecting women in war such as hunger, marginalization, cultural indifferences, religious intolerance and economic disparities. While the majority of studies have focused on the suffering of women in armed conflict, this study focused on investigating the plight of the Sudanese women in the quest for independence and status, and further links women's efforts in the realization of their potential as important stakeholders in the peace process. The study began with a literature survey which indicated the gap in knowledge about Southern Sudan women hence need for a scholarly research to investigate their role in peace. To achieve the objective the study was guided by the social capital theory and feminism theory. The study viewed social capital as a conceptual tool for resolving two conflicting theories on how microstructures in society generate macrostructures. Feminism theory gives feminine approach to the study. The study had two hypotheses that it tested which are the independence of Southern Sudan was a result of efforts by the Sudanese women to engage in peaceful initiatives and settlements and that the efforts made by the Women in peaceful settlements and conflict prevention in Southern Sudan were not sufficient and tangible to yield. This study was mainly qualitative. The study made use of both the primary and secondary data.

## ACRONYMS

<b>ABC:</b>	Abyei Boundaries Commission
<b>AEC:</b>	Assessment and Evaluation Commission
<b>AMIS:</b>	African Union Mission in Sudan
<b>AU:</b>	African Union
<b>CPA:</b>	Comprehensive Peace Agreement
<b>DDDC:</b>	Darfur-Darfur Dialogue and Consultation
<b>DoP:</b>	Declaration of Principles
<b>DPA:</b>	Darfur Peace Agreement
<b>DRDF:</b>	Darfur Reconstruction and Development Fund
<b>DUP:</b>	Democratic Unionist Party
<b>EDF:</b>	Equatoria Defence Force
<b>EF:</b>	Eastern Front
<b>ELI:</b>	Egyptian-Libyan Initiative
<b>ESPA:</b>	Eastern Sudan Peace Agreement
<b>GNU:</b>	Government of National Unity
<b>GoS:</b>	Government of Sudan
<b>GoSS:</b>	Government of Southern Sudan
<b>ICC:</b>	International Criminal Court
<b>ICF:</b>	Islamic Charter Front
<b>IDP:</b>	Internally Displaced Person
<b>IGAD:</b>	Intergovernmental Authority on Development
<b>IGADD:</b>	Intergovernmental Authority on Drought and Development
<b>IMF:</b>	International Monetary Fund
<b>IPF:</b>	IGAD Partners Forum
<b>JAM:</b>	Joint Assessment Mission
<b>JEM:</b>	Justice and Equality Movement
<b>JIU:</b>	Joint Integrated Unit
<b>LRA:</b>	Lord's Resistance Army
<b>MDTF:</b>	Multi-Donor Trust Fund
<b>NCP:</b>	National Congress Party



<b>NDA:</b>	National Democratic Alliance
<b>NGO:</b>	Non-Governmental Organization
<b>NIF:</b>	National Islamic Front
<b>NPC:</b>	National Petroleum Commission
<b>NRF:</b>	National Redemption Front
<b>NSCC:</b>	New Sudan Council of Churches
<b>NSP:</b>	National Strategic Plan
<b>OLS:</b>	Operation Lifeline Sudan
<b>PDF:</b>	Popular Defence Force
<b>PNC:</b>	Popular National Congress
<b>SAF:</b>	Sudan Alliance Forces (NDA) or Sudanese Armed Forces (government)
<b>SANU:</b>	Sudan African National Union
<b>SCC:</b>	Sudan Council of Churches
<b>SCP:</b>	Sudan Communist Party
<b>SLM/A:</b>	Sudanese Liberation Movement/Army
<b>SPDF:</b>	Sudan People's Democratic Front
<b>SPF:</b>	Sudan Peace Fund
<b>SPLM/A:</b>	Sudan People's Liberation Movement/Army
<b>SRRA:</b>	Southern Sudan Relief and Rehabilitation Agency
<b>SSDF:</b>	South Sudan Defence Forces
<b>SSIG:</b>	South Sudan Independence Group
<b>SSIM/A:</b>	Southern Sudan Independence Movement/Army
<b>SSLM:</b>	South Sudan Liberation Movement
<b>SSU:</b>	Sudanese Socialist Union
<b>SSUM/A:</b>	South Sudan Unity Movement/Army
<b>TDRA:</b>	Transitional Darfur Regional Authority
<b>TMC:</b>	Transitional Military Council
<b>UDSF:</b>	Union of Democratic Sudanese Forces
<b>UNDP:</b>	United Nations Development Programme
<b>UNESCO:</b>	United Nations Educational, Scientific and Cultural Organization
<b>UNHCR:</b>	United Nations High Commission for Refugees

**UNICEF:** United Nations Children’s Fund  
**UNMIS:** United Nations Mission in Sudan  
**USAP:** Union of Sudan African Parties

## DEFINITION OF TERMS

### **African/Arab**

African/ Arab is a dichotomy between Arab and African identities that has recently taken on increasing political relevance and subjective reality, despite being historically and ethnographically spurious in the Sudanese context. The term Arab in Sudan has multiple meanings based loosely on ethnicity, language, perceptions of race, way of life or profession (as Arabs were historically cattle traders the term suggests 'pastoralist, especially in Darfur usage. Black Africans are sometimes referred to pejoratively as zurqa, from azraq, meaning blue, despite indistinguishable skin colour.

### **Ansar**

Ansar are members of a Sudanese Muslim sect loyal to the Mahdist movement of the 1880s, whose spiritual leader is a member of the Mahdi's family and also chairman of the Umma Party.

### **Baqqara**

Baqqara refers literally to those of the cow. Describes 'Arabized' African cattle herders, such as the Misseriyya of Southern Kordofan and the Rizeiqat of Southern Darfur.

### **Janjaweed**

Literally used to mean ghostly riders, from jin (spirit) and jawad (horse), the janjaweed are a Darfur-based militia with an Arabist agenda. Since 2003 they have been among the principal actors in the increasingly bloody Darfur conflict.

### **Jihad**

Literally 'struggle,' it includes both the inward spiritual struggle against human desires and the outward struggle against injustice, oppression and the rejection of the truth by non-believers, which leads to 'holy war' only when sanctioned by the legitimate political authority.

**Khatmiyya**

A Sudanese Sufi Muslim sect led by Democratic Unionist Party (DUP) Chairman Mulana Mohamed Osman al-Mirghani, a descendant of the Prophet Mohamed. The Khatmiyya are traditional rivals of the Ansar, though both groups have seen their membership decline in recent years, in part as a result of splits in their political wings.

**Murahaleen**

Murahaleen refers to people on the move, from maraheel, the migratory pathways whose obstruction was a cause of the current conflict in Darfur. Originally used to describe Baqqara travelling on horseback to escort herds of cattle, but from 1985 usually refers to a largely Baqqara militia which fought the SPLA in Bahr al-Ghazal.

**Shari'a**

Islamic law, which sets out the five pillars of Islam (ritual purification, prayer, fasting, charity and pilgrimage) and the regulation of human interaction. Often refers in Sudan to the restrictive legal code introduced in 1983 by Hassan al-Turabi during the Nimeiri regime. This became an obstacle to peace, with northerners claiming their right to be ruled by shari'a and southerners calling for a secular 'New Sudan.'

## CHAPTER ONE

### INTRODUCTION OF THE STUDY

#### 1.1 Introduction

Sudan is a theatre of proliferating conflicts that have at their roots seeming incompatibilities of racial, ethnic, cultural and religious identities. It is not mere differences that cause conflicts, but the implications for the shaping and sharing of power, wealth, services, development opportunities and the overall enjoyment of the rights of citizenship. By this yardstick at the independence the South women clearly found themselves as the most marginalized and discriminated people in the larger South Sudan country. As a result the first conflict which pitted the North against the South erupted in 1955, only eight months before independence on January 1<sup>st</sup> 1956.<sup>1</sup>

Although Sudan has suffered intractable conflicts since 1953, they date back to the period when the United Kingdom and Egypt concluded an agreement providing for Sudanese self government and self determination. These followed a transition period towards Independence and the 1<sup>st</sup> Parliament in 1954. With the consent of the British and Egyptian Governments Sudan gained Independence in January 1<sup>st</sup> 1956 under Provincial Constitution which gave power of control to northern people and discriminated against those in the south. The northern government then introduced policies that did not respect the rights of the southern people. The Northern Sudan-Southern Sudan conflict can therefore be understood within the following context: religion, local perception of race and social status, economic exploitation, and colonial and post-colonial interventions, all are elements in the Sudan's current civil war, but none, by itself, fully explains it.<sup>2</sup>

At the beginning of July 1955, a false telegram purporting to be signed by Ismail el-Azhari, was circulated in the South, urging the Northern administrators to oppose and ill-treat the Southerners. It was given publicity and caused deep anxiety.<sup>3</sup> On 25<sup>th</sup> July 1955, after a very dubious trial, a Southern member of the National Assembly was imprisoned. This led to

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<sup>1</sup> Francis M. Deng, "Sudan: A Nation in Turbulent Search of Itself", *Annals of American Academy of political and social science*, Vol. 603, 2006, pp. 155-162.

<sup>2</sup> Douglas H. Johnson, *The Root Causes of Sudanese Civil Wars: African issues*, Indiana: Indiana University Press, 2003, p. 1.

<sup>3</sup> Edgar O'ballance, *The Secret War in the Sudan: 1955-1972: Faber and Faber Limited*, London, 1977, p. 40.

demonstrations on the following day in the town of Nazra, in Equatorial Province, where 300 Southern workers on the Azande Development Scheme has just been dismissed, while extra Northern staff had been taken on. Soldiers and police fired at the demonstration, killing eight and wounding several.<sup>4</sup> The northern ruling Arab elites requested that Northern troops be stationed in the South corps. On 7<sup>th</sup> August 1955, some 500 northern troops were flown to Juba. The entire Southern corps, starting with No. 2 Company in Torit, the Headquarters of Equatorial Corps, was to be sent to the Northern to break them up and weaken them to avoid any rebellion. They disobeyed the orders and “mutiny” quickly developed into a popular uprising throughout the Southern Sudan.<sup>5</sup> This marked the beginning of the first civil war in Sudan which lasted for 17 years until the signing of Addis Ababa Peace Agreement in 1972.

Some 500 soldiers of the former Equatorial Corps, both the original “1955 mutineers” as well as those who deserted to the forest through fear, united into organized group. This number increased when 800 prisoners were released in 1961. In September 1963 a group of them attended a conference in the forest where on the 19<sup>th</sup> they decided to merge their forces and called itself Land Freedom Army (LFA). Later LFA changed the name to “Anya Nya” one-meaning “snake poison.”<sup>6</sup>

The position of the South Sudanese guerrilla movement improved dramatically after 1969. The Sudan government’s more militant espousal of Arab causes after the 1967 Arab-Israel war meant that not only did Ethiopian government become more sympathetic to the Southern guerrillas (because of the Sudan’s support for Eritrean secessionists), but Israel, too, became interested in the Sudan’s civil war. With the overthrow of Milton Obote in Uganda in 1971, a much friendlier Idi Amin came to power. He had already recruited many of the Southern Sudanese in his army, and he acted as Israelis client. The guerrillas were thus secured regular supply of arms and modern training.<sup>7</sup> Joseph Lagu was Israel’s major beneficiary, and using their supplies he persuaded a number of provincial *Anyanya* commanders to join him throughout 1970. He thus

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<sup>4</sup> *Ibid*

<sup>5</sup> Albine Olive, *The Sudan A Southern Viewpoint*, London: Oxford University Press. London, 1970, p. 37.

<sup>6</sup> Edgar O’ballance, *The Secret War in the Sudan: 1955-1972*, London: Faber and Faber Limited, 1977, p. 57.

<sup>7</sup> Douglas H. Johnson, *The Root Causes of Sudanese Civil Wars: African issues*, Indiana: Indiana University Press, 2003, p. 36-37.

engineered a series of internal coups which left the old exiled politicians without any military constituency.<sup>8</sup>

*Anya-Nya* purchased arms from Congolese rebels and international arms dealers. The Southerners who had migrated to Europe and the United States of America (USA) provided funds for purchase. Joseph Lagu spent the latter part of 1970 in winning over more adherents to his personal leadership and consolidating his authority over the whole of Anya Nya Armed Forces. He convened a meeting in August 1971 which was attended by military and political leaders, at which he announced the formation of the Southern Sudan Liberation Movement (SSLM), of which he was the head. He promoted himself to the Major-General and became the Commander-in-Chief.<sup>9</sup> Sudan People's Liberation Army (SPLM) went to the negotiation table armed with a proposal for a full federal structure. They settled on the Southern regional government, consisting of the regional Assembly, which was empowered to elect and remove the President of the High Executive Council subject to confirmation of the President of the Republic. This Agreement (Addis Ababa Agreement of February 1972) brought peace in Sudan for eleven years.<sup>10</sup>

The Addis Ababa Agreement was not popular with the Northern politicians whom Sudanese President Jaafar Nimeiri had displaced in 1969. These politicians thought the agreement granted too many concessions to the South and would only foster separatist tendencies. The support Nimeiri got from the South was also seen as the obstacle to the eventual overthrow of Nimeiri himself.<sup>11</sup> In 1983, prior to abolition of the Southern region, one of Nimeiri's most senior officials warned that Khartoum had built an "air bridge" from America to the Sudan for the supply of arms, and the first place to use such arms was the South. The air bridge that he was referring to was flights of cargo planes which would supply arms to the northern government. This turned out to be no idle threat.<sup>12</sup> Nimeiri repudiated the agreement and declared Sudan an Islamic state with *Sharia* law, divided the region into three parts, and Arabic to be the official

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<sup>8</sup> Ibid. Edgar O'ballance, *ibid.*

<sup>9</sup> Douglas H. Johnson, *The Root Causes of Sudanese Civil Wars: African issues*, Indiana: Indiana University Press, 2003, p. 135.

<sup>10</sup> Douglas H. Johnson, *ibid.*

<sup>11</sup> *Ibid.* P.55.

<sup>12</sup> *Ibid.* p. 58.

language in Sudan. This was the spark needed as several garrisons mutinied. John Garang, the head of Staff College in Omdurman, was sent by the Khartoum government to mediate but he joined the mutineers.<sup>13</sup>

Fighting broke out in May 1983 at Bor. When the second war broke out in Bor town in Jonglei State on the 16<sup>th</sup> May 1983, the Sudan People's Liberation Movement/Army (SPLM/A) was immediately formed towards the end of July by the Southern Sudanese who were disappointed by the bad governance by the Khartoum-based government which violated the rights of the southern Sudan people. The majority of the former Sudanese army, intellectuals, students and peasants joined the rank and file of the SPLM/A. Among these were young boys who joined the movement voluntarily or were mobilized by the SPLM/A for one reason or the other. The movement united under one commander, John Garang.<sup>14</sup> This time Ethiopia wished to see Nimeiri go. Also, Libya and Namibia supported the SPLM/A. With the issues of border and underdevelopment, as a major concern of the SPLM/A, they needed a revolution other than separation at that time, as was shown in the SPLM/A manifesto.<sup>15</sup>

The war in the South, a collapsed economy, and continuing political repression in Khartoum itself led to a popular uprising (Infitada) of street demonstrations by citizens in the capital in April 1983. This was engineered by the National Alliance for National Salvation, a group of professionals with contacts with many exile movements. While Nimeiri was in the United States, Defense minister and Commander-in-Chief Abdi al-Rahman Suwar al-Dahab took over power. The new leaders invited Garang for talks but he declined. Garang broadcasted a speech three days after the Nimeiri overthrow, where he welcomed the popular uprising, but said the ugly shadow of Nimeiri looms ominously over the military administration in Khartoum. He vowed SPLA would continue its fights against both racism and bigotry.<sup>16</sup>

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<sup>13</sup> Oystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s*, Nordisko Afrikainstitutet. 2005.

<sup>14</sup> Douglas H. Johnson, *Ibid.*

<sup>15</sup> *Ibid.* p.63.

<sup>16</sup> *Ibid.*



Suwar al-Dahab repealed the 1973 constitution, which enshrined a secular state and freedom of religion, yet refused to repeal the 1983 September laws (other than to suspend the extreme punishment of flogging and amputation). His promulgation of transitional constitution, which recognized shari'a as the basis of the country's legal system, also indicated his sympathies with the former regime. The SPLM refused to accept a cease-fire or take part in elections until after a constitutional conference was convened that would include all political parties. Garang explained the SPLM's position in a memo to the Organization of African Unity (OAU) summit, dated 18 July 1985, saying "the central problems in the Sudanese war are dominance of one nationality; the sectarian and religious bigotry that dominated the Sudanese political scene since independence; and unequal development in the country. Unless the nationality question is solved correctly, the religious bigotry destroyed and a balanced development for all regions of Sudan is struck, war is the only option in the Sudan."<sup>17</sup>

Contacts between the SPLM and the National Alliance bore fruit in the Koka Dam in Ethiopia on 20-24 March 1986. The national alliance delegation included representatives from the Umma Party, various secular groups, pan-Arabist, revolutionary, progressive and regional parties, as well as all of the Southern parties. The Democratic Unionist Party (DUP) and the National Islamic Front (The Muslim Brothers) didn't attend.<sup>18</sup> The Koka Dam Declaration which resulted from the meeting proposed a constitutional convention to be attended by government and all political forces, to discuss basic problems of Sudan and not the so-called problem of the South. The agenda of the convention would include discussion of the nationalities, question, religious question, basic human rights, the system of rule, development and uneven development, natural resources, the regular forces and security arrangements, cultural questions, education and mass media, and foreign policy.<sup>19</sup>

The elections were concluded in the North before the convention was to meet. The Umma and DUP parties emerged with the most votes and formed the coalition with Sadiq al-Mahdi becoming the Prime Minister. Since DUP did not attend the Koka Dam meeting, it was not party to any decisions made at the Koka Dam Declaration. On 31<sup>st</sup> July 1986, Sadiq al-Mahdi met with

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Douglas H. Johnson, *Ibid.*

Garang in Addis Ababa to clarify the SPLM position. Garang insisted on the main provisions of the Koka Dam, but agreed to link the lifting of the state of emergency with the establishment of a cease-fire. Throughout Sadiq a-Mahdi's premiership the Koka Dam Declaration remained on the table, but as a dead letter rather than a working document.<sup>20</sup>

By 1988 dissatisfaction in the North with Sadiq al-Mahdi's parliamentary maneuverings and his failure to address major issues facing the country was wide spread. The DUP, looking forward to the approaching elections, changed heart in relation to SPLM and between May 1987 and November 1988 the DUP held a series of meetings with the SPLM in Addis Ababa, culminating in a direct meeting between Muhammad Osman al-Mirghani and Garang. They revised the Koka Dam Declaration but the Council of Ministers refused to endorse the DUP-SPLM agreement. Sadiq was forced to negotiate with Garang by the Northerners. As Sadiq planned to meet Garang with a peace settlement now very close, a group of committed Muslim officers in the army supported by NIF, staged a pre-emptive coup de' etat on 30 June 1989. The peace process, so long in the making but so close to a real breakthrough, was brought to a complete halt.<sup>21</sup>

On 27 July 2002, Sudan's President Omar al-Bashir met for the first time with John Garang, the leader of the country's Southern rebel movement. The meeting took place in the Ugandan capital, Kampala, one week after government officials and rebels agreed on a framework for talks to end Sudan's 19-year-old civil war. President al-Bashir and Mr. Garang's meeting followed five weeks of talks in Kenya in which both sides agreed to enter negotiations the following month to end the war. The framework agreement signed by government officials and rebels in Kenya on July 20th called for Sudan's constitution to be rewritten so that the Islamic law, Sharia, will not be applied to non-Muslims in the south. It also calls for a referendum to be held in six years' time to determine whether the South should remain a part of Sudan or gain its independence. Peace was brokered by the sub-regional organization, the Inter-Governmental Authority on Development (IGAD), with strong backing from the international community, in particular the Troika of the United States (US), Norway and the United Kingdom (UK). A framework was agreed by all parties in Naivasha on July 20, 2000, followed a series of protocols, and chartered a path toward

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.* p.84-85

peace in the South, Abyei, the Nuba Mountains, and South Blue Nile. The peace process culminated in a Comprehensive Peace Agreement (CPA) that was signed by the parties on January 9, 2005 in Nairobi, the Kenyan capital.<sup>22</sup>

## **1.2 Statement of Research Problem**

There has been an increasing interest in the study of women in peace making, peace building and conflict negotiations in Africa and indeed elsewhere. Many researches acknowledge the women realities during the protracted wars and conflict. However, many of the studies focus on women as inferior members of the society with patriarchy as the main structure in decision making. The United Nations (UN) Resolution 1325 and the European Commission have highlighted women's sufferings during wars, and the unfair treatment upon return to peace. The increasing interest in women's experiences during war and their potential capabilities for peace has not led to significant improvement in the understanding of women's role in conflict negotiation and peacemaking during and after armed struggle. Women have highly distinct experiences of conflict which tend to leave them marginalized in peace negotiations and significantly disadvantaged with the onset of peace. The reality in Sudan is that women have always acted as the unifying actors in the country "blessed" with war and conflict.

Women are the backbone and foundation of any society. They formed the very threshold of social fabric on which values and virtues thrive. The mothers of the world are the true gift of nature that perpetuates life in its fullness. The world over cannot afford to isolate women in any development plans. "I have rarely met a woman who didn't know more about the supermarket, the bus-stop and the prevailing winds than her male counterparts. Not to mention about child care, human rights, abortion the minimum wage and sexual harassment." The women in Southern Sudan were victims of protracted wars, hunger, savage life, rape, slavery, religious intolerance, harsh social lives, and discrimination and above all lack any economic empowerment and capacity of becoming self-reliant due to displacement and permanent fear of death and harassment. Despite these challenges, Southern Sudan women persevered and put their minds together towards a peaceful Sudan where their children and grandchildren will live on

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<sup>22</sup> Francis M. Deng, "Sudan: A Nation in Turbulent Search of Itself", *Annals of the American Academy of Political and Social Science*, Vol. 603, 2006, pp.155-162. P. 157

their soil without fear, discrimination or any form of abuse yet they are left out in most scholarly work touching on peace agreements.

In Sudan there is an increasing attention on the events leading to the signing of the Comprehensive Peace Agreement (CPA), the provisions of the agreement, and the implementation process. Yet there is little focus on the role played by women in the Sudan Comprehensive Peace Agreement of January 9, 2005.

### **1.3 Objectives of the Study**

The broad objective of the study is to investigate the role of Southern Sudan women in the Comprehensive Peace Agreement (CPA).

1. To examine the participation of women in the peace processes in Southern Sudan.
2. To investigate and highlight the part played by women in the conflict management, prevention and peaceful settlement in Southern Sudan.
3. To examine the women's impact in the peace process in Southern Sudan.

### **1.4 Scope and Limitation of the Study**

The study is limited to examining the role of the Southern Sudanese women in the Comprehensive Peace Agreement (CPA) in Sudan. The main data will be found in Nairobi's Westland's area at the Sudan Women Voice for Peace office. This research confines itself to the period of 2005-2013. The 2005 date from which to start the investigation is chosen because this is the period that Sudan was engaged in very many intractable civil wars. It is also during this time that women suffered greatly in the wars and as a result contributed directly or indirectly to the peace initiatives, peaceful settlements and cohesiveness of their own communities, and the Government of Southern Sudan at large. In this view the researcher examines the relationship between women's participation in wars with respect to peace in the period stated. The researcher chooses to analyze the trend and period of civil wars of 2005-2012. It is this period that provides the basis of real issues affecting women in war situation such as hunger, marginalization, cultural indifferences, religious intolerance and economic disparities that were experienced at the worst.

The scope of the study extends to 2012 because even today, Southern Sudanese women are actively involved in the peace making and post-reconstruction process.

### **1.5 Justification of the study**

Southern Sudan women have always been involved in peace making and conflict negotiations since the outbreak of the major civil war in Sudan in 1955, between the Khartoum government and the guerrillas in the South. They participated in peace making between the warring communities in the South as well as mobilizing and encouraging their husbands to settle the conflict with the government of Sudan peacefully. Today these women are actively involved in post conflict peace building by bringing together adversaries, especially at the community level. While the majority of studies have focused on the suffering of women in armed conflict, this study is unique because it seeks to investigate the plight of the Sudanese women in the quest for independence and status, and further link the same to women's efforts in the realization of their potential as important stakeholders in the peace process in Southern Sudan. While some studies have looked at the role of women in peace making, there is a gap in knowledge about the Southern Sudan women. There is a need for a scholarly research to investigate the role played by this unique category of the South Sudan population. This study would be a useful pointer to the role that women need to play in peace making in situations such as the one in this study. This study is important because no study has been done on the role of Southern Sudan women in the Comprehensive Peace Agreement. This has left a big gap in our knowledge, particularly about the specific roles played by women towards the Sudanese Comprehensive Peace Agreement.

### **1.6 Literature Review**

The literature review sections endeavored to analyze scholarly works to notice the gaps that the study tried to fill. In many wars men are always planners yet they also take over negotiations leaving women out in most cases. But international negotiators and policy makers can break that habit by including peace promoters who in most cases are women, not just warriors, at the negotiating table. More often than not, those peace promoters are women. Certainly, some extraordinary men have changed the course of history with their peace making; likewise, a few belligerent women have made it to the top of the political ladder, or, at the grassroots level, have taken the roles of suicide bombers or soldiers. Exceptions aside, however, women are often the

most powerful voices for moderation in times of conflict. While most men come to the negotiation table directly from the war room and the battlefields, women usually arrive straight out of civil activism and from caring for their families. Yet, traditional thinking about war and peace ignores women or regards them as victims. This oversight costs the world dearly.<sup>23</sup>

Mark Tessler et al, argues that, women are more pacific than men in their approach to international relations, being more accepting of compromise in resolving interstate disputes and less likely than men to believe that war is necessary, or appropriate, in particular conflict resolution. Competition, dominance, violence, intransigence, and territoriality are thus associated with the “male” approach to human relations, including relations among sovereign states, whereas moderation, accommodation, compromise, tolerance, and pacifism are seen as “female” perspective on world affairs.<sup>24</sup>

Anwarul Karim Chowdhury, argues that women make a difference when they are in decision making and policy making positions is no longer in dispute. When women participate in peace negotiations, and in the craft of a peace agreement, they keep the future of their societies, and their communities, in mind. They think of how their children and grandchildren will be able to live on their own homeland in a peaceful and secure environment, and how they will benefit from the structure of peace envisaged in the agreement. They have the broader and longer-term interest of society in mind. Whereas, historically in post-conflict situations, men are interested in ensuring that the peace process will give them the authority and power that they are seeking.<sup>25</sup>

Elizabeth Powley, points out that, the appointment of women to inaugurate and head key institutions with responsibility for post-genocide reconciliation, the National Unity and Reconciliation Commission, and Gacaca jurisdiction of the Supreme Court, is indication of the influential role that at least a small number of women have taken. These appointments provide a high degree of visibility for women’s leadership and further demonstrate the practical and symbolic role women are playing in Rwandan society. The commission is charged with

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<sup>23</sup> Swanee Hunt and Cristina Posa, “Women Waging Peace: Foreign Policy”, No. 124, 2001, pp.38-47, p. 38.

<sup>24</sup> Mark Tessler et al, “Further Tests of the Women and Peace Hypothesis: Evidence from Cross-National Survey Research in the Middle East”, *International Studies Quarterly*, 43, 1999, pp. 519-531.

<sup>25</sup> Anwarul Karim Chowdhury, “The Role of Women in Peace-Building”, *Women Studies Review*, Vol. 4., 2005.

conceiving and disseminating ideas and initiatives aimed at promoting peace among Rwandans” and inculcates a culture of national unity and reconciliation.<sup>26</sup>

According to Donna Pankhurst, during war, women tend to bear much greater burden than men for taking care of survivors, as well as children. They also carry the main burden of ensuring food provisions while keeping social and political activities going when men are fighting away from home. They also experience multiple rapes and associated injuries and infections during war.<sup>27</sup> While little attention is focused on the role of women in conflict resolution, International Alerts Code of conduct of 1998 explicitly recognizes the particular and distinctive peace making roles played by women in conflict afflicted communities. Women and women’s organizations are reservoirs of important local capacities which can be used in peace building activities. Some women’s organizations work openly to protect human rights, like in Latin America, while others focus more directly on the need to talk about, and participate in strengthening peace in the name of women, like the Federation of African’s Women Peace Network, and other groups in Israel and Occupied Territories as well as in the former Yugoslavia.<sup>28</sup>

Gwendolyn Mikell, points out that, African-American women have responded to African crises by acting through organizations such as schools, churches, clubs, sororities, associations or neighborhood groups to provide financial and humanitarian assistance, as well as the education for training that their African colleagues need. With the crises in Liberia, Sierra Leone, Nigeria, Rwanda, Burundi and South Africa, this mobilization for peace resulted in alliances and networks between Africa-American and African women that may have lasting impacts.<sup>29</sup>

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<sup>26</sup> Elizabeth Powley, “Strengthening Governance: The Role of Women in Rwanda’s Transition”, *Women Waging Peace Policy Commission*, 2003, p. 23-24.

<sup>27</sup> Donna Pankhurst, *The Sex War and other Wars: Towards a Feminist Approach to Peace Building*, *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177.

<sup>28</sup> *Ibid.* p. 162.

<sup>29</sup> Gwendolyn Mikell, “Women Mobilization for Peace: African-American Responses to African Crises”, *International Journal on World Peace*, Vol. 17, No. 1, 2000, pp. 61-84. P.62.

Mary MacCarthy, while analyzing the role of women in peace building in Rwanda and Liberia, argues that women have played the following roles in peace building; reducing fear and mistrust, rebuilding institutions, reconciliation and fostering civil society.<sup>30</sup> Women are equally as capable of participating in peace negotiations and in the following reconstruction process as men, and so their continued marginalization denies peace builders fifty percent of their potential resources for problem solving and for creating change at every level. Women's participation in peace negotiation does have a positive impact on achieving lasting peace, and that the more substantial the women's participation particularly in civil society groups and in the formal government, the greater the potential for their contributions.<sup>31</sup>

Swanee and Cristina, argue that, UN Secretary-General Kofi Annan remarked in October 2000 to the Security Council that "for generations women have served as peace educators, both in their families and in their societies. They have proved instrumental in building bridges rather than walls." Women have been able to bridge the divide even in situations where leaders have deemed conflict resolution futile in the face of so-called intractable ethnic hatreds. Striking examples of women making the impossible possible, come from Sudan, a country splintered by decades of civil war. In the South, women working together in the New Sudan Council of Churches conducted their own version of shuttle diplomacy. Perhaps without the panache of jetting between Capitals and organized the Wunlit tribal Summit in February 1999 to bring an end to bloody hostilities between Dinka and the Nuer peoples. As a result, the Wunlit Covenant guaranteed peace between Dinka and Nuer, who agreed to share rights to water, fishing and grazing land, which had been key points of disagreement. The Covenant also returned prisoners and guaranteed freedom of movement for members of both tribes.<sup>32</sup> Women bridged insurmountable differences between India and Pakistan by organizing huge rallies to unite citizens from both countries in 1994 and 1995.<sup>33</sup> Was it the same case for Sudan?

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<sup>30</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?", University of Pennsylvania: College Undergraduate Research, *Electronic Journal*, 2011, p.45

<sup>31</sup>*Ibid.* p. 128

<sup>32</sup> Swanee Hunt and Cristina Posa, (2001). Women Waging Peace, *Foreign Policy*, No. 124, pp.38-47. P. 41

<sup>33</sup>*Ibid.*



According to Christine Bell and Cathrene O'Rourke, feminist scholarship have sought to secure the participation of women in decision making based on the justice argument that, as women comprise one-half of the population, they deserve to participate in peace processes on an equal basis with men. Women have gender-specific experiences of conflict that give rise to gender-specific needs that are unlikely to be addressed without the participation of women. Failure to include women's views and ideas can lead to an impoverished understanding of peace and security that focuses on militarism and power supported by force. Presuming the support of women for transitional justice mechanisms risks undermining their effectiveness, particularly given the predominance of households headed by women in many post-conflict societies, then they should for sure be playing important roles in peace.<sup>34</sup> Yet little is mentioned for the South Sudan case.

According to Pam Spees, UN Security Council Resolution 1325, calls for all actors to adopt a gender perspective when negotiating and implementing peace by developing "measures that ensure the protection of human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary and measures that involve women in all of the implementation mechanisms of the peace agreements. These mandates need to be built into action plan objectives, backed with sufficient financial support to move the implementation beyond rhetoric and into routine."<sup>35</sup> This research reveals whether the Sudan case is rhetoric or practiced.

Anne Itto, postulates that women were not just guests at the table at the Machakos and Naivasha negotiations between the Government of Sudan and the Sudanese People's Liberation Movements/ Army (SPLM/A). The roles they played as combatants, supporters of fighting forces and peace makers qualify them to sit at the negotiating table and to assume an active role in implementation. Thousands of women had joined the Southern Liberation Struggle in response to a political situation that affected whole communities, leaving the comfort and security of their

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<sup>34</sup> Christine Bell and Catherine O'Rourke, "Does Feminism Need a Theory of Transitional Justice? An Introduction Essay", *The International Journal of Transitional Justice*, Vol.1, 2007, pp. 23-44. P.30

<sup>35</sup> Pam Spees, "Gender Justice and Accountability in Peace Support Operations closing the gaps, A policy Briefing Paper", *International Alert*, 2004

husbands but to fight for freedom, democracy, equity, justice, rights and dignity and yet left out in scholarship writings.<sup>36</sup>

According to Tamar Pearson and Eileen F. Babbitt, as women are more comfortable confronting the emotional aspects of conflict, their participation can provide the avenues for exploring those dimensions and possibly working through them rather than sweeping them under the rug. This also can be a hedge against negotiation breakdown, as these issues will not go away but emerge later on to derail the negotiations. In both Israeli and Palestinian societies, women are not at the top of the political decision making pyramid, but influence decisions made by political elites. It is significant therefore that when such women reach out across the conflict divide to try to understand the perspective of their counterparts in the other communities. These encounters change the individuals and have an impact on all those with whom the individuals work and live with. Will increasing the number of women in decision making shift the way world manages its conflicts?<sup>37</sup>

Prue A. Bates, observes that, despite the debates over whether women bring a unique perspective to peacemaking, there is a clear consensus that women should become increasingly involved in the peace-building process. The general assertion is that such involvement would at the very least, create a more inclusive and reflective society less biased toward the perspectives or behavior of only one segment. Women's involvement in peace building would lead to positive redefinition of what constitutes politics and about how best to conduct genuine peacemaking. These views indicate that women and their organizations make use of innovative strategies for peace negotiation, peacemaking and peace building. Indeed, their main strategies suggest not only alternative means of doing politics and peacemaking, but also alternative understanding of politics and peacemaking. For example, their activities are frequently at the grassroots or community movement and organization level. Will such involvement change the notion of peace negotiation in the Sudan case?

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<sup>36</sup> Anne Itto, *Guest at the Table. The role of Women in Peace Process*, Pact Sudan/Alex Dianga, 2006.

<sup>37</sup> Tamra Pearson and Eileen Babbitt, "Women and the Art of Peacemaking: Data from Israeli-Palestinian Interactive problem-Solving Workshops", In *Journal of Political Psychology*, Vol.19, No.1. 2009, pp. 185-209. P. 206

Betty A. Reardon, points out that peace is promoted by equality of sexes, economic equality, and the universal enjoyment of basic human rights and fundamental freedoms. It's enjoyment by all requires that women be enabled to exercise their rights to participate on an equal footing with men in all spheres of the political, economic, and social life, in decision making.<sup>38</sup> Can peace be attained therefore if women are left out in Sudan?

### **1.7 Theoretical Framework**

This study is interested in the question around the role of Southern Sudanese women in the Comprehensive Peace Agreement. Social Capital theory and feminism theory will be used in this study. Social capital is the term commonly used, however the concept is often poorly defined and conceptualized.<sup>39</sup> Social capital has a multiple definitions, interpretations, and uses. The theory of social capital is not identified with a single proponent, but multiple scholars have made efforts towards development of this theory. Coleman (1988) advanced social capital as a conceptual tool for resolving two conflicting theories on how microstructures in society generate macrostructures. The theory, typically sociological, holds that the actions of people are governed by norms, rules and obligations.

Other proponents of this theory argue that the other, usually from the point of view of economics, held that people are independent and self-interested and act to maximize their own utility. The first theory erased agency; the latter did not allow for social or collective organization. Social capital, Coleman felt, would put economic rationality into a social context.<sup>40</sup> Echoing social network theory, Coleman identified social capital as something inherent in the structure of relations between actors. Man Lin, observes that the notion of capital can be traced to Marx, capital is part of the surplus value captured by capitalist or the bourgeoisie, who control

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<sup>38</sup> Betty A. Reardon, *Women and Peace Feminist Vision of Global Security*, York, Albany: State University of New, 1993.

<sup>39</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177.

<sup>40</sup> Coleman, J. S. "Social capital in the creation of human capital Supplement, Organizations and institutions, Sociological and economic approaches to the analysis of social structure", *American Journal of Sociology*, 94, 1988, pp. 95-120 and Kate Williams, "Social Networks and Social Capital", *Journal of Community Informatics*, Vol. 4 No. 3, 2008, p. 10

production means, in the circulations of communities and monies between the production and consumption process.<sup>41</sup>

Paul Sadler and Seok-Woo Kwon, points out that like other forms of capital, social capital is a long-lived asset into which other resources can be invested, with the expectation of a future flow of benefits. Through investment in building their network of external relations both individuals and collective actors can augment the social capital and thereby gain benefits in the form of superior access to information, power, solidarity, and by investing in the development of their internal relations, collective actors can strengthen their collective identity and augment their capacity for collective action.<sup>42</sup> He further points out that social capital is the goodwill available to individuals or groups. Its source lies in the structure and content of the actors' social relations. It affects flow from the information, influence, and solidarity it makes available to the actors. Woolcock, M., argues that social capital encompasses the norms and networks facilitating collective action for mutual benefit.<sup>43</sup> Paul Haynes, in his criticism to the theory, observes that social capital is a concept based on a misleading metaphor, that it isn't capital. The theoretical foundation of the concept of social capital is still in a nascent phase, and there is much debate about its definition, creation and utility as well as its role in public policy and modernization strategy. However, the theory is still in the process of construction and it will be useful in the study like this under investigation, because it shows how Southern Sudanese women used their social networks in Comprehensive peace Agreement (CPA).

Feminism theory is the extension of feminism into the theoretical discourse. It aims to understand the nature of gender inequality and examines women's roles experience, in society in a variety of fields. Liberal feminism argues that all people are created equal and oppression is not a structured feature of capitalist economic society. Social feminism sees women's oppression as caused by their economic dependence. Abolition of gender and class are the goals where socialism will only occur with the liberation of women and women's liberation will only occur under socialism. Radical socialism identifies sexism as the core of patriarchy, especially in the

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<sup>41</sup> Nan Lin, "Building a Network Theory of Social Capital", *Connections* 22(1), 1999, pp. 28-51

<sup>42</sup> Paul Sadler and Seok-Woo Kwon, "Social Capital: Prospects for a New Concept", *The Academy of Management Review*, Vol. 27, No.1, 2002, pp. 17-40.

<sup>43</sup> Woolcock, M., "Social Capital and economic development: Towards a theoretical synthesis and policy framework", *Theory and Society*, 27, 1998, pp.151-208, p. 155

family. Male domination is the problem, hence the need for total reconstruction of society. Janet Saltzman Chafetz, points out that in the feminism theory; gender is the central focus or subject matter. Gender creation is viewed as a problem. Feminism theory seeks to understand how gender is related to social inequality, strains, and contradictions. Gender relations are not viewed as “immutable” and feminist theory seeks to challenge, counteract, or change a status quo that exist and disadvantages or devalues women.<sup>44</sup>

Men tend to dominate the formal roles in a peace building process; there are mainly male peacekeepers, male peace negotiators, male politicians, and male formal leaders. Power is unequally distributed between men and women and the majority of women do not have a voice in local and national decision making processes. However, women do play an important, if largely unrecognized role, in peace-building. The underlying assumption is that women involved in these processes will help design a lasting peace that will be advantageous to the empowerment, inclusion and protection of women. Stemming from this theme is the commonly accepted approach of including women in decision-making processes and empowering women as decision makers and actors in all areas of peace building, as well as activities to sensitize male actors in peacekeeping, through gender-focused curriculum and trainings, codes of conduct, and disciplinary measures for military and peacekeeping actors in response to gender based violence. Karen Warren and Duane Cady, women fit in many of the ways men fit in, making visible or undervalued, namely the extent of women roles and participation in social structure. By adding and stirring, mainstreaming accounts of peace are reformed.<sup>45</sup>

### **1.8 Research Hypothesis**

1. The Independence of Southern Sudan was a result of efforts by the Sudanese women to engage in peaceful initiatives and settlements.
2. The efforts made by the Women in peaceful settlements and conflict prevention in Southern Sudan were not sufficient and tangible to yield.

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<sup>44</sup> Janet Saltzman Chafetz, *Feminism theory and Sociology: Underutilized Contributions for Mainstream Theory*, *Annual Review of Sociology*, Vol. 23, 1997, pp.97-120. P. 98.

<sup>45</sup> Karen Warren and Duane Cady, (1994). **Feminism and Peace. Seeing Connections**. *Hypatia*, Vol.9, No. 2, *Feminism and Peace*. Pp. 4-20. P. 4

## **1.9 Research Methodology**

This study is mainly qualitative. The study made use of both the primary and secondary data. Secondary sources include books, articles, scholarly journals and reports, and newspaper articles. The secondary sources from various libraries and databases were reviewed, among the Jomo Kenyatta Memorial Library, New Sudan Council of Churches Library, People for Peace in Africa Library, and others. Online journals and databases like JSTOR, Taylor and Francis and Google Scholar were used together with other academic articles relevant to the study. Reports from various humanitarian organizations like United Nations (UN), International Rescue Committee, Intergovernmental Authority on Development (IGAD), and others were used. This data brought a clear understanding of the experiences of women in armed conflict. This provided the basis of the study under investigation. Gaps identified in secondary sources were filled by primary sources. A research permit to be used for identification to the administrators will be obtained from the Ministry of Science and Technology before going to the field.

In order to achieve objectives of the study a descriptive cross sectional survey was used to explore and describe characteristics for the target population. It allowed the researcher to examine associations between variables and assess needs and expected measures to alleviate the problems. After obtaining secondary data the researcher obtained a transmittal letter and embarked on library data collection. Qualitative data was obtained from oral interviews with different individuals who engaged in peace negotiations. Most of these individuals interviewed are stationed in Nairobi so it was easily done. Through systematic sampling the women were selected and randomized in order to obtain a representative sample from the period of study in the area under research. Purposive sampling was also used to allow the researcher to use respondents that have the required information with respect to the objectives of the study. The data acquired was processed through qualitative analysis.

## CHAPTER TWO

### HISTORY OF CONFLICT IN SUDAN

#### 2.1 Introduction

Sudan, the former Africa's largest country and home to one of the greatest empires on the continent was for long symbolized by conflict. The two most prominent of these conflicts were the Darfur crisis in the western part of the country and the struggle between the North and the South. This North-South struggle which culminated in a referendum that allowed for the South to split from the North marked the latest addition to the geopolitical landscape of Africa. Until the referendum, the South- North Sudan conflict dominated international headlines as the atrocities against humanity in the south were blamed entire on the Khartoum government. However, the truth about Sudan's conflicts, which is hardly told, dates back to the colonial period as will be detailed by this chapter.

#### 2.2 The Sudan Conflict

The Sudan's long history of war lies in the present civil boundaries, its political, religious and ethnic divisions, which were highly centralised and militarised system of governance. This system of government began to take shape in the 1820s during the first Turco/Egyptian (1821-1885) colonial regime.<sup>46</sup> Prior to its independence, Sudan did not have a true history as a nation-state. The northern and western regions had been ruled since the 17th century by Arab sultanates, and in 1821, this area was invaded by the Turkish ruler of Egypt, Mohamed Ali. From then on the North developed an even more Arab culture and came to be controlled by a class of Arab merchant traders called the Jellaba, whose activities in the South consisted of raids to kidnap the black natives for the international trade in African slaves. Turco- Egyptian rule continued until 1885, and during this time, the North made efforts to control the southern regions, primarily because it was from this region that the Nile flowed. During this period, the Arabs at times had control of various regions of the South, and considered it virtually a satellite, but it was never actually one state, and particularly was not regarded as so by the South.<sup>47</sup>

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<sup>46</sup> Beshir, M. O. *The Sudan: Ethnicity and National Cohesion*, Bayreuth University: Bayreuth African Studies Series, 1984

<sup>47</sup> De Waal, A. Sudan: What kind of state? What kind of crisis? *Crisis Research Centre (Publications)*, Occasional Paper No : 2., 2007.

By the late 1800's, Great Britain began taking great interest in Arab states, and this included Egypt and the Sudan. In the 1870's Britain tried to stem the slave trade out of Sudan. This was one of the primary sources of wealth in Northern Sudan and consisted of northerners travelling to the South and capturing African natives who were then exported from Sudan to the rest of the world where labour depended on slavery.<sup>48</sup> The termination of this system by Britain caused an economic crisis in the North and resulted in the Mahdist uprising. The Mahdists ruled from 1886 to 1898, at which time British and Egyptian forces regained control and created their so-called condominium rule. It took 25 years for the condominium government to subdue all of Sudan, and this was particularly difficult and bloody in the South. One of the ways that the British/Egyptian forces gained control in the North was by giving political and administrative power to the leaders of various Arab Muslim sects in the North and providing development assistance to the north.<sup>49</sup>

Little of the development efforts were made in the South, which maintained a tribal structure and received very little assistance with development of infrastructure or an educational system. In addition, the British encouraged missionaries to go into the South to convert the native tribes that followed traditional African religions. As a result, many Southerners were converted into Christianity and the rest mostly still follow traditional animist religions.<sup>50</sup> The almost entirely Arab Muslim North was left alone and remained Muslim dominated. The result was to emphasize the differences between northerners and southerners and emphasize the line between the two ethnic groups of people. The condominium government also created in the South an entirely separate system of administration from the North, leaving the administration of the South almost entirely to the chiefs and sheikhs of small villages and ethnic African groups.<sup>51</sup> This should have been a positive move, but in fact caused an even greater sense of separateness of the North and South.

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<sup>48</sup> Deng, F. *War of Visions: Conflict of Identities in the Sudan*, Washington DC: Brookings, 1995.

<sup>49</sup> Garang, J. (1984). *The Sudanese in war compared to the Hebrews of the Exodus*. Available at: <http://dspace.nitle.org/bitstream/handle/10090/13480/AwanSudaneseinwarSoft2009.pdf?sequence=1>. (Accessed: April 15, 2010).

<sup>50</sup> DeRouen, K., and Heo, U. (Eds.), *Civil wars of the world: major conflicts since World War II*. Santa Barbara, CA: ABC CLIO, 2007.

<sup>51</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.



During the 1930's and 40's, nationalist sentiments grew in the North, and in 1948, the southern chiefs agreed at the Juba Conference to cooperate with the northern nationalists to pursue independence from British/Egyptian rule. The withdrawal of the colonial powers was accomplished peacefully, but as the British withdrew and administrative control was given back to the Sudanese people, the administrative posts vacated by the British were taken almost entirely by northerners, partly because the education system in the South was so poor that there were few from the South with the training to take on these posts.<sup>52</sup> To the South, however, it appeared that the independence was headed to benefit the Northerners. In addition to this problem, many southerners harbored resentment and feared of excessive northern control because of the long history of slave raids by northerners into the South, and the continuing problem with enslavement of black Africans by Arab Muslims in the Sudan.<sup>53</sup>

The civil war began before the Sudan was even officially independent. In 1955, as the transfer of power from the British to the mostly northern administrators was in progress, a mutiny broke out at a garrison in the South as it was being transferred to Northern control, and this sparked off the Anyanya separatist movement. Although the Anya-Nya movement was established as a rebel group in 1963, deriving its name from a snake poison, it traces its origin to the 1955 transfer of power. This guerilla army's core members were veterans of the 1955 mutiny in Torit. Its activities contributed indirectly to the fall of General Abboud's military regime in 1964. While Southern politicians favoured federalism as a way of protecting the southern provinces from being completely subordinated to the Northern-dominated central government, most northerners rejected the idea of federalism, seeing it as a first step towards separation, a dichotomy that came to characterise modern Sudan.<sup>54</sup> Failure to achieve a federal constitution therefore was seen by the South as a beginning of the North colonisation of the South. The colonial regime left behind a style of governance which was characterised by individualism and rigidity.<sup>55</sup> This left Sudan to

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<sup>52</sup> Douglas Johnson, (2003) in *The Root Causes of Sudan's Civil Wars*, explains that "Sudanese independence was thrust upon the Sudan by a colonial power eager to extricate itself from its residual responsibilities; it was not achieved by national consensus expressed through constitutional means" (Johnson, 2003:24).

<sup>53</sup> Garang, J. (1984). *The Sudanese in war compared to the Hebrews of the Exodus*. Available at: <http://dspace.nitle.org/bitstream/handle/10090/13480/AwanSudaneseinwarSoft2009.pdf?sequence=1>. (Accessed: April 15, 2010).

<sup>54</sup> Malwal, B. *People and Power in the Sudan*, London: Ithaca Press, 1981.

<sup>55</sup> Beshir, M. O. *The Sudan: Ethnicity and National Cohesion*, Bayreuth University: Bayreuth African Studies Series, 1984.

Arab Muslim Northern rulers who lacked the leadership qualities to govern a modern state system and the ability to approach solving political problems from a rational scientific manner the qualities needed to keep the country intact.

The Round Table Conference held in Addis Ababa in March 1965 was the first serious attempt to resolve the differences between the North and South. It failed, however, revealing in the process widespread mistrust between Northerners and Southerners. In the meantime, Anya Nya stepped up its attacks against the Northern government. General Jaafar Nimeiry overthrew the coalition government led by Mohamed Ahmed Mahjoub on 25 May 1969. In a statement to the nation on that date, Nimeiry outlined the reasons why he and other members of the Revolutionary Council took power. Nimeiry specifically stated his government would work for social justice for all Sudanese, including Southerners, and cited the failure of previous governments to solve the Southern Sudan problem. The announcement by Nimeiry to end the southern Sudan problem was followed by the June 9 Policy Statement on the Southern Question that paved the way for the Addis Ababa Agreement.<sup>56</sup>

The Sudan Communist Party played a significant role in drafting this document, which made three key points. First, the new revolutionary government recognized the magnitude of the Southern problem and emphasized that it occurred from a legacy of uneven development between the North and the South and expressed determination to reach a lasting solution. Secondly, recognizing the cultural and historical differences between the North and South, the statement declared that the Southerners have the right to develop their respective cultures and traditions within a united Socialist Sudan and have the right to regional autonomy. Third, Nimeiry proposed to achieve the goal of ending the civil war by extending the amnesty law, developing the South, appointing a minister of Southern Affairs and calling on all Southerners to build a united and democratic Sudan.<sup>57</sup>

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<sup>56</sup> Francis M. Deng, "Africa's Dilemmas in the Sudan", *The World Today*, Vol. 54, No. 3, 1998, pp. 72-74.

<sup>57</sup> Shinn David H., "Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process?" *Annales d'Ethiopie*, Volume 20, 2004, p. 240.

With a subsequent infusion of arms from Congolese rebels, the insurgency intensified, winning popular support against the Umma led governments' violent attempts to suppress the people of the south. While Southern politicians in exile were unable to create a unified movement, the military leaders became more and more active in political affairs. Starting in 1967, Colonel Joseph Lagu challenged the leadership of Emilio Taffeng and eventually became the new supreme commander, bringing together rivaling factions in a more cohesive umbrella organization, the Southern Sudanese Liberation Movement (SSLM).<sup>58</sup> Thanks to material support from Israel, the SSLM managed to gain control over large parts of the Equatorial region. After the 1969 May Revolution, Colonel Jafar Numeiri's new regime first increased military pressure but then entered into negotiations with the SSLM. By October 1971 moves were under way to establish contacts with the Southern Sudan Liberation Front (SSLF).

In 1971 Joseph Lagu, who had gained authority among the various guerrilla groups, proclaimed the creation of a new political organization the Southern Sudan Liberation Front. The Anya Nya leaders united behind him, and nearly all the exiled politicians gave their support. Although the organization did create a governmental structure, the real power remained concentrated in the hands of the Anya Nya command, with Lagu at its head. After considerable consultation, a conference between high-level delegation of the SSLF and the Sudanese government, led by Alier, met at Addis Ababa in February 1972 which quickly resulted in the March 1972 Addis Ababa peace agreement.<sup>59</sup> The civil war continued until 1972 when the Addis Ababa Accord which gave regional autonomy to the South, created an uneasy peace which lasted until 1983. The peace agreement granted autonomy to the South and absorbed the Anya-Nya fighters into the Sudanese army and government services. However, the peace remained fragile and mutinies of former Anya-Nya in 1975, 1976 and early 1983 culminated in the May 1983 rebellion, the beginning of the second war.<sup>60</sup>

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<sup>58</sup> Allen, M. "Gordon and the Sudan", in R. Collins, *A History of Modern Sudan*, Cambridge: Cambridge University Press, 2008.

<sup>59</sup> Bushara, A.G., (2006, April 14), *The Sudanese Identity*. Available at: Sudanese Online: <http://www.sudaneseonline.com/earticle2006/apr14-03613.shtml> (Accessed: August 4, 2010).

<sup>60</sup> Collins, R. *The Southern Sudan, 1883-1898: A struggle for control*, New Haven: Yale University Press, 1962.

In 1980s, however, the military government of President Jaafar al Nimeiri slowly chipped away at the terms of that agreement. President Nimeiri carried out a re-division of the South, abolished the regional government and redrew the North/South border to incorporate the Bentiu region, where oil had been discovered in 1981, into the North. These actions led to increasing local conflicts and finally exploded into the second war later in 1980s. Sudan's second civil war started as a continuation of the first civil war. It broke out in 1983, between the SSLM/A under its then leader John Garang taking place for the most part in Southern Sudan. The war was one of the longest lasting and deadliest wars of the later 20th century where approximately 1.9 million civilians were killed and more than 4 million southerners have been forced to flee their homes since the war began.<sup>61</sup>

Gaafar Nimeiri infringed the Addis Ababa Peace Agreement, by revoking the autonomy of the southerners when he declared his intention to transform Sudan into a Muslim Arab state by imposing *Sharia* law across the country including the South, an action that started the conflict anew. After the conversion of Gaafar Nimeiri to fundamental Islam he emphasised that religion was not just an individual matter of faith but the cornerstone and basis of all social and political institutions in society as a whole.<sup>62</sup> Nimeiri attributed the backward condition of the Sudanese to the creeping decadence of Islamic societies and the introduction of western governance, economics, education and values under colonial rule that after political independence had disrupted the proper practice of Islam in Sudan. Furthermore Nimeiri very condescendingly not only saw himself as guardian of these backward brethren in the South, but felt obliged to replace the Southerner's religion with a better one, which was Islam. He also came to see the South's rich resources as a bonanza to develop the North, and to view the Southerners merely a source of cheap labour for the North.<sup>63</sup> Nimeiri's successors continued his legacies which led the war to continue for years, until diplomatic intervention and the cooperation northern government under President Omar Al-Bashier leader of the National Congress Party (NCP).

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<sup>61</sup> U.S. Committee for Refugees, 2001.

<sup>62</sup> Collins, R. *A History of Modern Sudan*, Cambridge: Cambridge University Press, 2008, p. 145.

<sup>63</sup> Deng, F. Sudan – Civil War and Genocide Disappearing Christians of the Middle East, *Middle East Quarterly*(Winter), 2001, p. 13 – 21.

On June 30, 1989, Colonel Omar Hassan Ahmad al-Bashir seized power in a bloodless coup and quickly began to consolidate power over the few years that followed. By the end of 1999, Bashir was in near total control of the government after he sent government troops and tanks to parliament and ousted Speaker of Parliament Hassan al-Turabi. At this point, however, the Sudanese Peoples Liberation Army (SPLA) was scoring major victories against government troops and their proxy militias known as the People Defense Forces (PDF.) While the government remained in control of several key cities and towns across southern Sudan, SPLA forces were seizing large areas outside of the more populated cities and continued to attack transport lines and government forces that moved between cities and their bases.<sup>64</sup> At the turn of the century and despite the SPLA gaining ground on the battlefield, the southern Sudan region was affected by widespread starvations which threaten the region. Seeing the SPLA as a force that could no longer be ignored and a government that had no desire for peace, the United Nations and the United States received permission from both the regime as well as the rebels to initiate Operation Lifeline Sudan, which witnessed tens of thousands of tons of food and emergency relief supplies delivered directly to areas affected by the war.<sup>65</sup>

The conflict in Sudan was generally characterized simply as a continuation of the North/South ethno-religious conflict of the previous civil war, but it was actually quite different, in terms of who was leading the fight and what their goals were. This rebellion was not led by Anyanya separatists, but rather by a group called the Sudan People's Liberation Army (SPLA), which sometimes also called the Sudan People's Liberation Movement (SPLM), led by Colonel John Garang. SPLA's official goal was not an independent South, but a democratic, secular unified Sudan, but it should be noted that there was significant internal dissent within the SPLA over the separation issue.<sup>66</sup> In 1991, a large group arguing for independence for the South broke away from the ranks of SPLA because they did not believe that religious differences with the North could ever be resolved. Although the war was largely confined to the southern regions, much of SPLA's support had come from northerners whose farmland and/or livelihoods were destroyed

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<sup>64</sup> Mark Hackett, *The Modern History of Conflict in Sudan*, Washington DC, : Operation Broken Silence, Published April 12, 2010.

<sup>65</sup> Oral interview, Dr Anne Itto Deputy Secretary General SPLM Party, Juba, 12/09/2013.

<sup>66</sup> Woodward, P. *Sudan 1898-1989; The Unstable State*. Lester Crook: London, 1990.

by policies of the northern government.<sup>67</sup> Thus, although this war continued to involve all of the issues that started the first civil war, it was continued because of issues of environment and resources which make settlement in the near future highly unlikely.

Since Bashir's regime seized power in 1989, it ultimately failed at bringing peace to Sudan. Instead of protecting Sudan's many sources of national pride, including both strong Islamic and Christian heritages, it chose the route of trying to force Sudan to become a purely Muslim nation, often times utilizing violent tactics to do so. This made obvious during the civil war between the north and south, when thousands of Christians were dragged away to slavery in the far north of the country, many of them forced into a religion they never had any intention of joining. However, the real reason the regime failed to provide a free and secure society for all Sudanese remained a desire for power.<sup>68</sup> While Bashir used his regime to promote Islam, in both peaceful and violent ways, his creation of an Islamic authoritarian single-party state, finalized in 1993, showed the regime's desire to remain in control and not be supplanted by free and fair elections, rebellions, or army mutinies.

This was most noticeable in Darfur, which is predominantly Muslim. The regime never had a need to push the Muslim faith into the region due to Islam already playing a key role in everyday life for millions of Darfuris. The widespread atrocities committed by the government through the military and Janjaweed were carried out to protect the regime's power and control over Sudan. Bashir's regime only responded to the rebel threat in Darfur when it was certain the rebels were becoming a major threat to the government's authority. The regime's desire for power was evident in south Sudan as well, though it was not at first. When the civil wars between the north and south began, it was apparent that religious and cultural differences were a major factor. But as time went by though, the regime's extensive use of arms shipments to supply different ethnic groups in the south against one another was largely successful in keeping much of the region in a state of humanitarian crisis. At first, this could appear to be a move to keep the south weaker than the regime.<sup>69</sup>

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<sup>67</sup> *Ibid.*

<sup>68</sup> Yancey, Wilaim, Erickson, Eugene and Julian Richard, "Emergent Ethnicity", *American Sociological Review*, 41, 3, 1976, pp. 391-403.

<sup>69</sup> Yoh J, G. *Christianity in the Sudan: An Annotated Bibliography* (2nd ed.), Amman: RIS, 1999.

Despite various efforts to mediate the civil war, conflict persisted across large parts of South Sudan, some of it fuelled from outside the country's ill-defined borders. Local armed conflicts, exacerbated by an abundance of small arms, continue to cost lives and disrupt communities. Men were almost exclusively the perpetrators of the violence, but women, as well as children and the elderly, made up many and in some cases, the majority of the victims. The section that follows examines the experiences and roles of women in Sudan armed violence. It begins with the pre-war period, before firearms were common, when women were exempt from armed conflict, serving instead as sources of refuge or conduits for peace through marriage. As war shattered many traditional norms, the roles of women were transformed with the introduction of firearms and the militarization of conflict. At first, women became victims only as collateral damage but gradually they were seen as legitimate targets, both for sexual and other types of violence. This changed their view of conflict.

### **2.3 Historical role of Sudan Women in Armed Conflict**

Although the war between the North and South brought the plight of women in conflict to the international attention, cattle raiding as well as inter and intra-tribal fighting have been features of South Sudanese life for decades. But the scale, intensity, and impact of violence increased in during the civil war period. In pre-war South Sudan civil war period (pre-1955) community violence consisted of infrequent and short lived skirmishes over resources such as grazing areas or fishing pools.<sup>70</sup> In pre-civil war period, the weapons used were almost exclusively spears. Women and children were not regarded as legitimate targets. One reason for this was that a woman's ethnicity was not as rigidly defined by the Africa traditions. In earlier times, women were permitted to marry men from other tribes and to adopt that tribal identity, without becoming a tribal enemy. In fact, women who married into other tribes represented points through which adversarial relations among men could be potentially defused and transformed into relations of affinity through marriage.<sup>71</sup>

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<sup>70</sup> Hutchinson, Sharon and Jok Madut Jok, "Gendered Violence and the Militarisation of Ethnicity: A Case Study from Southern Sudan," In Richard Werbner, ed. *Postcolonial Subjectivities in Africa*, London: Zed Books, 2002, pp. 23-37.

<sup>71</sup> *Ibid.*

The unwritten ethical code further considered women as sources of refuge for fleeing or wounded men. During the Sudanese civil war, small arms and light weapons flooded into the south. Firearms became integral to the culture, and were used as a form of dowry payment in some parts of the south. To kill with a spear, one has to be physically close and have a specific target. Firearms depersonalized the act of killing or injuring another person, and contributed to the dehumanization of the other.<sup>72</sup> This made it easier, psychologically as well as physically, for combatants to target women and children. Over the course of the civil war, norms changed concerning whom a legitimate target was forcing them to be active participants as fighters.

As the war advanced, women accounted for up to seven per cent of the Sudan People's Liberation Army's (SPLA) official force.<sup>73</sup> In any event, female SPLA members were rarely on the front lines, working almost exclusively as cooks, carriers, and nurses. A high profile example of the targeting of women and children came in 1991 when the pro-Khartoum breakaway SPLA-Nasir killed up to 2,000 civilians in Bor and displaced some 200,000 more.<sup>74</sup>

Women were not just passive victims in the conflicts of South Sudan. They can also encourage and perpetuate the violence, or alternatively act as catalysts for peace. Community women often reinforced expectations that men should provide for their families and fulfill a masculine stereotype that includes the role of cattle raider. The women blamed much of the inter-tribal violence on food insecurity. Women put pressure on their husbands to bring home food and this could encourage the men to raid other tribes.<sup>75</sup> This leads to a vicious cycle in which communities stop cultivating in rural areas because it leaves them vulnerable to attack, thereby perpetuating food insecurity and reliance on raiding. In many cases women were complicit in the violence simply because they did not speak out against it. Not all South Sudanese women felt powerless, on rare occasions women acted as peacemakers.<sup>76</sup>

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<sup>72</sup> Oral interview, Susan Jambo Chairperson of Nes-network for Peace in South Sudan 2005, now s member of SPLM Secretariat Foreign Affair Desk, 19/08/2013

<sup>73</sup> Weber, Annette, "Women without Arms: Gendered Fighter Constructions," *International Journal of Conflict and Violence*, Vol. 5, No. 2, 2011.

<sup>74</sup> Amnesty International, 2005, *Sudan: Who Will Answer For The Crimes?* AFR 54/006/2005.

<sup>75</sup> Purdin, Susan and Roselidah Ondeko, Understanding the Causes of Gender-Based Violence, *Forced Migration Review* 19, 2004

<sup>76</sup> Oral interview, Awut Deng member, Sudan Women Voice for Peace, currently Minister of Gender Social Well Affair, 15/08/2013



There are stories, dating from the 1980s, of Kachipo and Murle women successfully halting violence by refusing to have sex with their husbands until the men of the two tribes stopped fighting. Julia Aker Duany, a Lou Nuer peace activist said that in 1994 women in Upper Nile state resolved a conflict over fishing and grazing rights by exerting pressure on the male relatives in their own homes.<sup>77</sup> In one instance, a woman refused to milk the cows their husbands had stolen. The roles of women have evolved throughout the decades of conflict in South Sudan. While they were once considered inviolable, the advent of war and the introduction of small arms eroded norms of protection. In the conflict period, women came to be seen as legitimate targets in protracted cycles of tribal attacks and retaliation. There were signs that women were viewed as legitimate even preferred targets.<sup>78</sup> While many act as conscious or unwitting provocateurs to inter-tribal violence, others acted as peace advocates.

## **2.4 Conclusion**

The chapter has shown that for many years, a civil war between the predominantly Muslim north and Christian/traditional south had put the southern Sudan region in a state of emergency. The war was being fought primarily over the government's decision to circumvent the Addis Ababa Agreement, which had given southern provinces a large amount of autonomy. The Muslim dominated government of northern Sudan attempted to impose new Islamic laws on the entirety of Sudan, the southern troops rebelled, launching attacks along the north/south border and dragging the region, including key crossfire areas such as the Blue Nile and Nuba Mountains, into a bloody war. Exacerbated by drought, famine, and ongoing violence, tens of thousands of Sudanese had already perished as the war continued to expand between the government and Sudan People's Liberation Army (SPLA) rebels. When then-President Gaafar Nimeiry was ousted and a new government installed, the war continued even as negotiations between the SPLA and several political parties within Sudan. Though minimal, this was the first chance at peace since the war had started. The chapter has also shown that the roles of women have evolved throughout the decades of conflict in South Sudan.

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<sup>77</sup> Medecins Sans Frontieres, *Facing up to reality: Health crisis deepens as violence escalates in Southern Sudan*, Brussels: Medecins sans Frontieres, 2009.

<sup>78</sup> Peace Women, "Women and Children Targeted in South Sudan Ethnic Violence", 13 February, 2012.

## CHAPTER THREE

### FAILURE OF THE 1972 ADDISS ABABA PEACE AGREEMENT

#### 3.1 Introduction

In 1956 Sudan declared its independence from Britain and Egypt and soon engaged in a civil war that left many civilians dead or injured. When independence from British-Egyptian rule was achieved in 1956, the southern provinces, with claims of political and economic marginalization, declared war against the new government in what came to be known as the First Sudanese Civil War from 1955-1972. Tens of thousands were killed or displaced over the 16 years of conflict. Brokering the 1972 peace talks at Addis Ababa were officials of the World Council of Churches and the All African Conference of Churches.<sup>79</sup>

The Second Sudanese Civil war beginning in 1983 pitted the South against the North-controlled government for over twenty years. Fought largely off camera, this war killed some 1.9 million civilians. Though accords granting more autonomy to the South ended the war for a time, the government did not follow through with its promises. A declaration of Islamic law (often translated as sharia law) by the centralized government in Khartoum recharged the Southern guerrilla movement, kindling anew the quest for political autonomy and religious freedom for all ethnic groups and regions both North and South. Twenty more years of exceptionally cruel war fought in Southern Sudan largely off camera and outside the attention span of most Westerners caused the death of nearly two million people, and displaced three million. The displaced fled in all directions toward Uganda, the Central African Republic, and Kenya, Egypt and Ethiopia, internally toward Darfur and north to Khartoum and some to Australia, Canada, and the United States.<sup>80</sup> The large displacement of people was due to failure of peace agreements such as the Addis Ababa Peace Agreement which this chapter will discuss at length.<sup>81</sup>

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<sup>79</sup> Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012

<sup>80</sup> Deng, F. *War of Visions: Conflict of Identities in the Sudan*, Washington DC: Brookings, 1995.

<sup>81</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.

### 3.2 The Addis Ababa Peace Agreement

The 1972 Addis Ababa Agreement was the outcome of a sustained process of mediation that involved Emperor Haile Sellasie of Ethiopia, the World Council of Churches, and the Organization of African Unity (OAU), with humanitarian and development support from members of the international community including the United Nations and donors.<sup>82</sup> On 27 February 1972, the first peace agreement was signed in Addis Ababa by representatives from both the north and the south of Sudan who were at conflict. Those in attendance during the signing of the Addis Ababa Agreement were Abel Alier and then Minister of Foreign Affairs Mansour Khalid who later joined the SPLM in 1984 as an advisor of John Garang. Eight Southerners witnessed for Lagu's SSLM.<sup>83</sup> Joseph Lagu and Mansour Khalid, on behalf of the GOS, ratified the Agreement at a ceremony in Addis Ababa on March 27 one month after the signing. The key points of the Agreement and Interim Protocols were as follow: The provinces of Bahr el Ghazal, Equatoria and Upper Nile, based on the boundaries as they stood on 1 January 1956, constituted a self-governing region within Sudan known as the Southern Region which had to have its own legislative and executive organs. Similarly, the Southerners elected the members of a People's Regional Assembly, an organ that legislated on certain issues set out in the Addis Ababa Agreement.<sup>84</sup>

Other terms included a provision that a High Executive Council (HEC) was to be constituted headed by a President appointed by the President of Sudan on the recommendation of the People's Regional Assembly supervised the executive organs of the Southern Region. The President of Sudan was given powers to appoint and relieve members of the HEC on the recommendation of its President of the HEC. The HEC President and its members were responsible to the President of Sudan and the People's Regional Assembly. The agreement required that persons from the Southern Region were to constitute a sizeable proportion of the

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<sup>82</sup> Francis M. Deng Reviewed, *Africa's Dilemmas in the Sudan*, The World Today, Vol. 54, No. 3, 1998, pp. 72-74.

<sup>83</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177.

<sup>84</sup> Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012.

People's Armed Forces in such reasonable numbers as will correspond to the population of the region.<sup>85</sup>

In these arrangements, there was a temporary arrangement covering the first five years whereby the armed forces in the Southern Region would consist of a national force called the Southern Command composing of 12,000 officers and men of whom 6,000 would come from the South and 6,000 from the North. Juba was to be the capital of the Southern Region and the location of the HEC and the People's Regional Assembly. The agreement provided for freedom of religious opinion and the right to profess it publicly. Arabic was the official language for Sudan and English the principal language for the Southern Region without prejudice to the use of other languages. It was provided in the peace agreement that there was an extensive section dealing with revenue collection and grants for the Southern Region.<sup>86</sup> Importantly, the Addis Ababa Agreement specified that it could be amended only by a three quarters vote in the national assembly and a two thirds vote in a referendum of the Southern electorate. Generally the Addis Ababa Agreement was a series of compromises designed to give sufficient regional powers to appease the South, while creating enough ties to bind the region into Sudan as a whole. The Agreement was Nimeiry's most important success in his sixteen years of rule of the larger Sudan.<sup>87</sup>

### **3.3 Effects of the Addis Ababa Agreement**

Once the agreement was in place the next tasks were the return of refugees and attempts at economic development in the Southern region. Many people had fled the country to take refuge in neighbouring countries because of war and political persecution. There was need to have the people return to assist in economic development especially after the war service or the civil war.<sup>88</sup> The peace settlement in 1972 necessitated a serious and costly resettlement program, which was carried out on a slow basis with the help of the United Nations Relief Bodies. Observers estimated that action by government forced it to engage in forced relocation of

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<sup>85</sup> Shinn David H., Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process?, *Annales d'Ethiopie*, Volume 20, 2004, p. 240

<sup>86</sup> IRIN, South Sudan: Briefing on Jongeil Violence, Humanitarian News and Analysis, 2012

<sup>87</sup> Oral interview, Mary Nyadak Paul member of South Sudan Women Association currently Deputy Minister of Information, 20/08/2013

<sup>88</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

refugees. The returnees faced many problems such as diseases, and mal-nutrition as a result of wartime conditions. The most pressing problem was the return of refugees and the displaced to their homes in Southern Sudan. It was one of the biggest repatriation ever undertaken by High Commission for Refugees (UNHCR) more than a million people returned to their homes in 1972 and 1973. Of these returnees, 500,000 were from refugee camps in neighbouring countries, and 550,700 from internal displacement in other areas of Sudan.<sup>89</sup>

This immense movement of people, with their entire pressing needs for relief and the establishment of the basic facilities of life drew in international aid agencies. Many Christian and secular organizations entered Sudan to work on relief along the UNHCR, and stayed to work on development through the 1970s and early 1980s. The other major task facing the new government was the integration of the Anya Nya forces into national army and other forces. There were a small number of violent disturbances in the armed forces, like mutiny in the garrison in Akobo in 1975 and the defection of former Anya Nya secessions in Wau in 1976 and brief uprising in Juba in 1977.<sup>90</sup>

The issues facing the weak government was the repatriation and resettlement of a half-million Southern Sudanese from refugee camps in neighbouring states and another half million internally displaced person (IDPs) inside Sudan.<sup>91</sup> The repatriation and Relief Commission was established to receive returnees coming over from across the border and transport them to their homes with the help of the United Nation High Commissioner for Refugees (UNHCR), aided by a host of humanitarian non-governmental organization (NGOs), including among others the African Committee for the Relief of the Southern Sudanese (ACROSS), Norwegian Church AID (NCA), Oxfam, World Service, the Catholic Organization, the Catholic Charity Caritas, and the Red Cross, who were not to know that they would all remain active in Southern Sudan for twenty five years. In the month of August, 1972, the number of Southern refugees who returned was 145,000, a figure that rose to 176,000 by September.<sup>92</sup>

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<sup>89</sup> Oral interview, Dolly Anek Oduong field coordinator - Sudan Women Voice for Peace Grassroots, 25/08/2013.

<sup>90</sup> Oral interview, Marry Nyawang Beliw Member South Sudan Women in diaspora, now member of South Sudan parliament, 20/08/2013.

<sup>91</sup> Deng, F. *War of Visions: Conflict of Identities in the Sudan*, Washington DC: Brookings, 1995.

<sup>92</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177.

Of the above figures, 59,000 came from Congo, 20,000 from Ethiopia, 72,000 from Uganda and 25,000 from the Central African Republic. Although more refugees returned from Kenya and Chad, no clear figures of the exact number from the two countries. There was little development in the Southern Region between 1972 and 1983 as all efforts concentrated on the re-settlement of refugees. The remaining development projects were exploitative and misdirected benefiting the northern people and not the southerners. There were several internationally financed projects for small and large scale, focusing on the improvement of infrastructure and services, as well as experimenting with improving the overall economic productivity of southern Sudan. However, there was very little logical planning or supervision of development by the southern regional government, nor was there much practical coordination of projects undertaken by various development agencies.<sup>93</sup> Development was uneven in the end to the benefit of the north.

The least developed areas of Bahr al Ghazal and Upper Nile were where some of the most schemes settlement was proposed. Other parts of the Southern Sudan were designated for the development of coffee, tea and forestry products. Infrastructure was also better served, with a number of road and rural water projects, especially in Equatoria. The great discouragement to the Southern Sudan had been the failure of economic development which had been entirely reliant upon Central Government. Other economic projects were proposed within the golden triangle than schemes in the far away swampy south. Many northern officials were opposed to Southern autonomy and were not about to divert limited resources to development schemes in the Southern Sudan.<sup>94</sup>

Worn out by the seventeen years of civil war (1955-1972), South Sudanese welcomed the peace agreement of 1972 which brought about an autonomous Southern government. However, autonomy lasted only for ten years because the regime of Jaafar Nimeiri abrogated the agreement in 1983 and imposed Sharia law on South Sudanese people. Nimeiri abrogated the deal and divided the South into three regions, Upper Nile, Bahr el Gazal and Equatoria. This act was seen by Southern Sudanese people's leadership as blatant act of aggression by the Central Government and one designed to further weaken the South in all aspects, thereby resulting in

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<sup>93</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>94</sup> Daniel Thabo Nyibong, "History of South Sudan", Pachodo English Articles, 2010

further social and economic inequality, not only between North and South but also between the three Southern Regions.<sup>95</sup> The Nimeiri's regime initiated policies to redefine the boundaries between North and South, so that the oil rich areas around Bentiu, the fertile lands of Renk, together with the nick and uranium deposits all fall into northern territory.<sup>96</sup>

After the signing of 1972 Addis Ababa Accord with the Southern rebels, the military Junta of Jaafar Nimeiri gave Chevron Oil Company the right to explore oil in the South. Chevron discovered oil in Upper Nile region of the south in 1974. The Khartoum government proposed a site for refinery which was decided to be in the north. The government also decided to pump oil unrefined to Port Sudan.<sup>97</sup> Southerners saw this as an attempt to deprive the region of a valuable industrial investment. Nimeiri's intentions were to create Unity Region, which would give Khartoum direct control over this resource. This intention reinforced Southern Sudanese people's beliefs that this was a political act sought to deprive the Southern Region of its resources. The abrogation of Addis Ababa Agreement led to the formation of the Sudan's People Liberation Army (SPLM/A) in 1983.<sup>98</sup> This movement's goal was directed towards the creation of a New Sudan, in which there would be no discrimination on the bases of race, ethnicity, culture, religion or gender.

### **3.4 Failure of the Addis Ababa Agreement**

There are different reasons that would explain the failure of the Addis Ababa Agreement failed. In the first place it failed to deal with the root causes of the problems that led to the outbreak of the war in Sudan. Secondly the Islamic government of Northern Sudan did not implement acceptable structures for the majority of the population in the South of the country. The negotiators did not adequately address the solutions that the Southern people desired for peace and autonomy.<sup>99</sup> The region remained very insecure and Southern representation remained very low in all important positions. The lack of adequate local representation in the political system had always been central in the Sudan conflict and the agreement did little to resolve this

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<sup>95</sup> Both, 2003.

<sup>96</sup> Poggo, 2008.

<sup>97</sup> Both, 2003.

<sup>98</sup> Jendia, 2002.

<sup>99</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177.

important issue that informed the outbreak of war. However, there were many factors that led to the failure or breakdown of the Addis Ababa Agreement and dragged the country back to war. As former Vice-President of Sudan Abel Alier would note, there were too many agreements that were dishonoured by the northern Islamic government. In his book, he chronicles the history of Sudan's first major peace treaty, the 1972 Addis Ababa Agreement which was brokered by the World Council of Churches and Emperor Haile Selassie of Ethiopia.<sup>100</sup>

The agreement was the first long-term deal to bring peace to a country that had been at war since 1955. Holding for 11 years, the treaty was consistently and continually undermined until a full scale return to hostilities was inevitable. Describing the period of negotiations, Alier notes that the resolutions were quite satisfactory on paper and could have gone a long way to meet some of the complaints of the people of the Southern Sudan but none of the parties believed they would be implemented even when they were being signed. There was a wealth of reasons to justify being cautious by all the parties to the peace negotiations. Historical experience with past agreements in the country indicated that there was a tendency to ignore, quite casually and irresponsibly to implantation of what had been reached.<sup>101</sup> In the past, there was no sign of the parties to execute, their mandate and to act against the interests of the very electorate they represented. As Alier would put it, perhaps Sudan has a history littered with agreements and declarations, treaties and testimonials more than any other comparable country in the world. Although the Addis Ababa Agreement may be long consigned to the archives, it is important that we discuss why it failed.

There are many reasons and most of them are attributable to the Khartoum government in its handling of issues concerning the people of Southern Sudan.<sup>102</sup> In the final analysis, however, there was no commitment by Khartoum to make the agreement work over the long-term. Life in Sudan remained that of Northern interests first while the Southerners remained with their grievances. The detailing below summarizes the principal reasons to why the Addis Ababa Agreement failed pulling the country back to war. All these accounts are very relevant to the

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<sup>100</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011.

<sup>101</sup> Oral interview, Marry Nyawang Beliw Member South Sudan Women in diaspora, now member of South Sudan parliament, 20/08/2013.

<sup>102</sup> Deng, F. *War of Visions: Conflict of Identities in the Sudan*, Washington DC: Brookings, 1995.



current efforts to achieve peace in Sudan. This account does not include less significant issues such as problems experienced by returning Southern Sudanese refugees and displaced persons and efforts by the North to impose the use of Arabic in the South.<sup>103</sup>

At the core of the Southern Sudanese people's grievances was the question security. The establishment and merging of the Anya Nya and the Northern government forces did not go smoothly. There was failure by the Northern government to recognize the Anya Nya fighters as equal partners in the merger. There was total failure in demobilizing and re-integration of the Anya Nya forces in the Sudan army. The process was characterized by racism against the Southern security personnel. Similarly, many of the Anya Nya fighters were left out of the process.<sup>104</sup> This was one of the major factors that led to a resumption of fighting in 1983. Unemployed Anya Nya fighters were among the most significant threats to the Addis Ababa Peace Agreement and the larger peace in Sudan. For instance, there were violent incidents in Juba in 1974, Akobo in 1975 and Wau in 1974 and 1976. In all these violence the unemployed Anya Nya fighters were at the core. Similarly, there were problems at the Southern garrisons in Rumbek and Kapoeta in 1976. It took the efforts of the central government officials to rush to negotiations to prevent the situation from getting out of hand.<sup>105</sup>

Economic underdevelopment in the southern region was another key factor in the failure of the Addis Ababa Peace Agreement. The difference in economic development between the North and South was dramatic. There was barely any development at all in the south, although most of the resources that were used to develop the north were from the south. The Addis Ababa Agreement attempted to redress these differences by putting plans in paper but it was literally theoretical. There was no total commitment from the government in Khartoum to achieving development in the south.<sup>106</sup> The South faced a return of refugees and displaced persons, a shortage of skilled personnel and the financial burden of employing or paying 15,000 former Anya Nya soldiers.

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<sup>103</sup> Oral interview, Sister Marilyn Lacey, founder of Sudan Women voice for Peace and coordinator for South Sudan Women in Refugee Camps in Kenya, 02/10/2013.

<sup>104</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.

<sup>105</sup> Oral interview, Nyanyak Pouch Maar, veteran South Sudan Women SPLA Party, 19/08/2013

<sup>106</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

Salaries for former Anya Nya absorbed over 80 percent of the development budgets of some ministries allocated to the south leaving the regional government with nothing to use in terms of developing facilities needed by the people. There was also substantial migration to larger towns by the people who would have assisted develop the rural, especially Juba, and subsequent high unemployment rates. A successful Agreement depended in large part on the ability of the South to make substantial progress on economic development. The South needed massive financial aid.<sup>107</sup> There was virtually no revenue being generated in the South although rich in oil reserves.

Although oil was not an issue during the 1972 peace talks, it later became crucial to the relationship between the north and the south. There was no specific mention of oil in the Addis Ababa Agreement, but there was a provision that implicitly reserved oil rights to the central government in Khartoum. The Agreement gave the Southern Regional Assembly authority to legislate on mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals. The Government of Sudan issued an exploration license in 1974 to Chevron, which discovered oil four years later near Bentiu, a Nuer area in the northwestern fringe of Upper Nile. Khartoum granted Total a concession further South in 1980 in the districts of Bor, Pibor and Kapoeta.<sup>108</sup>

The Northern government proposed after the discovery of oil to redraw the North-South boundary by placing the oil producing area in a new Unity Province attached to the North. Not surprisingly, this met with howls of protest from the South and Nimeiry eventually withdrew the idea. But he did replace Southern soldiers with Northern soldiers in the Bentiu oil producing area and insisted that the North retain all concession fees paid by Chevron and other companies operating even deeper in the South. Khartoum also ruled that oil income should accrue to the central government rather than the Southern Region and it made all decisions concerning exploration concessions without consulting the Southern government.<sup>109</sup> These conditions could not be accepted by the south therefore, the oil contributed to the abrogation of the Addis Ababa Agreement. The transfer of Southern troops to the North and Northern troops to the production

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<sup>107</sup> Oral interview, Nyanyak Pouch Maar, veteran South Sudan Women SPLA Party, 19/08/2013

<sup>108</sup> Oral interview, Tabitha Nyabouny Pal, SPLM party members for women desk, 20/08/2013.

<sup>109</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177,

area at Bentiu was never received politely by the southern people. The discovery of oil in the Southern Sudan created a political time-bomb.<sup>110</sup> Oil was not the only source of conflict, water was another factor.

A canal to carry water past the swamps of the Sudd created by the meandering White Nile in Southern Sudan had been under consideration since the beginning of the 20th century. Preparation for the first phase of the scheme began in 1974. Sudan awarded the \$43 million contract for the 360 kilometer long canal (twice the length of the Suez Canal) to a French company. Construction started in 1978. It was estimated that the canal would have decreased the volume of water in the Sudd by about 20 percent. The decision to build the canal was part of a grand design by the Egyptian Ministry of Public Works to increase the flow of water to Lake Nasser. The canal was to be constructed in the Jonglei region although there was no mention of the same in the Addis Ababa Agreement. The way in which the Northern government handled the project convinced Southerners that the central government was more interested in irrigation projects in the North and water for Egypt than the development of the South Sudan region.<sup>111</sup>

Sensing that the southern people were not happy with the way the northern government was dealing with issues surrounding resource utilization, the northern government began interfering with Southern Sudan politics. Nimeiry regularly intervened in the process for choosing the president of the Southern High Executive Council (HEC). He played Abel Alier off against Joseph Lagu causing division among the southerners.<sup>112</sup> He pressured the regional assembly in 1973 to accept Alier and then in 1978 endorsed Lagu, who held the presidency for two years. Alier returned to power in 1980, when he appointed fellow Dinka tribesmen to half the ministerial positions in the HEC. To some extent, Nimeiry was pitting the Dinka, the largest ethnic group, against non-Dinka and especially Equatorians, who lived in the wealthiest part of the South. Alier represented the Dinka and Lagu the Equatorians. From this point on, Lagu and his supporters campaigned for a separate Equatoria Region in an effort to avoid the Dinka domination. Nimeiry arbitrarily dissolved the HEC and the southern regional assembly in 1980

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<sup>110</sup> Oral interview, Tabitha Nyabouny Pal, SPLM party members for women desk, 20/08/2013.

<sup>111</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>112</sup> Deng, F. *War of Visions: Conflict of Identities in the Sudan*, Washington DC: Brookings, 1995.

and 1981. The dissolution of the HEC was not received in good faith by the people of the south.<sup>113</sup>

After dissolving the HEC and causing bad blood between Alier and Lagu, Nimeiry set out to redraw the North-South boundaries. Khartoum attempted to redraw the North-South boundary line at several locations in addition to the one where Chevron discovered oil in the Bentiu area. John Garang emphasized this issue in a speech he made on 3 March 1984. He complained that Nimeiry tried to change the boundaries of the Southern Region with his 1980 People's Regional Government Act. The goal, according to Garang, was to deprive the South of mineral rich or prime agricultural land in Hofrat el Nhas, Kafia Kingi, Northern Upper Nile and Bentiu among other areas.<sup>114</sup> The Addis Ababa Agreement defined the Southern Region as Bahr el- Ghazal, Equatoria and Upper Nile as they existed on 1 January 1956 and any other areas that were culturally and geographically a part of the Southern complex as may be decided by a referendum. Southerners believed that Abyei should be subject to a referendum. They made this argument with much more vehemence during the 1992-93 Abuja Conferences than they did before the failure of the Addis Ababa Agreement. In any event, there never was a referendum for the people of Abyei to decide if they wanted to remain with Kordofan in the North or become part of the South.<sup>115</sup>

As the people of the south were still contemplating on what to do, Sudan and Egypt signed the Integration Charter. The 1982 Integration Charter between Egypt and Sudan and their Joint Defense Treaty aroused Southern fears that Egypt might help suppress the South. Sudan's close ties with Egypt, combined with the history of Egyptian support for the Jonglei Canal, convinced many Southerners that Khartoum was moving towards an Arab Islamic state. The Charter gave Egyptian citizens the right to buy and occupy land in the Jonglei Canal area and raised fears among Southerners that it would lead to considerable Egyptian economic and political influence. Cancellation of the Charter became a high priority of the SPLM and other Southern political

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<sup>113</sup> Oral interview, Joseph Lagu chairman and commander in chief of A Nya nya one 1972 peace agreement

<sup>114</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177,

<sup>115</sup> Oral interview, Dr Anne Itto Deputy Secretary General SPLM Party, 12/09/2013

groups.<sup>116</sup> John Garang later called the Integration Charter unconstitutional and charged that it was designed to protect the North against insurrection in the South or other parts of Sudan. A constant in Egyptian policy was a strong belief in the unity of Sudan. Dependent on the Nile for 95 percent of its water, all of which enters Egypt from Sudan, Egypt had no desire to deal with one more Nile riparian state in the name of an independent Southern Sudan.<sup>117</sup> Egypt therefore, had a vested interest in any agreement between Northern and Southern Sudan.

Nimeiry would use all methods to make sure that he weakened the people of South Sudan so that they could have the strength required to resist his imperialistic policies. By all accounts, one of the most important causes for the failure of the Addis Ababa Agreement was the decision by Khartoum government to re-divide the South into three regions. The division returned the southern territory to the way it was before the two parties signed the Addis Ababa Agreement. Nimeiry's goal was to undermine the political strength of a unified South. Arguing that development could proceed more rapidly if the South were decentralized, Joseph Lagu strongly supported this effort. Beneath the surface, however, Lagu saw the re-division of the South as a way to limit the power of the Dinka who were opposed to the plan. Nimeiry, under pressure from Northern opponents of the Addis Ababa Agreement, first raised the issue of re-division in February 1980 at the central committee of the Sudanese Socialist Union.<sup>118</sup>

### **3.5 Conclusion**

The Addis Ababa Agreement, it was clear that within the Northern government self-styled Arabists were blatantly unhappy with the agreement from the beginning when it was formulated and signed in Addis Ababa. The pro-northern government made every attempt to frustrate the Agreement. The Arabists especially objected to the recognition of Southern rebels as a liberation movement. The chapter has shown that no sooner had the ink dried on the agreement than Nimeiry began to undermine it. This was a clear show that the seeds for the collapse of the Agreement were included in its very provisions. According to this reasoning, the Government of Sudan delegation deliberately created loopholes in the agreement that allowed Nimeiry

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<sup>116</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>117</sup> Lam Jok Wai Wuor, The causes of Sudan's break up and the Future of South Sudan, South Sudan Net, 2010

<sup>118</sup> Shinn David H., "Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process?", *Annales d'Ethiopie*, Volume 20, 2004, p. 243

flexibility to interpret the terms as he wished. The northern government then moved quickly to achieve concurrence from the SSLM before it had time to change its mind. The SSLM delegation was too hasty in accepting the Agreement in order to achieve peace and avoid any blame in the event the talks failed. Most Southern and many Northern Sudanese saw it as a failure well before its demise in 1983.

## CHAPTER FOUR

### ROLE OF WOMEN IN COMPREHENSIVE PEACE AGREEMENT

#### 4.1 Introduction

The participation of women in political and public affairs of South Sudan is a fairly recent phenomenon. This is partly due to the fact that, politics was seen as men's domain and not a woman's prerogative. Recent studies in this field as well as my experience growing up in South Sudan reveal that women and men occupy different and unequal positions and power relations both within the family and society at large. For example, while women were usually relegated to their stereotypical roles of nurturing and caring, men assumed political positions, conducted business, served in the military and performed other roles deemed male's duties. Such gender configurations and different positions of women and men were shaped and reinforced by societal cultural norms and practices, religion, customs, perceptions, socialization process, and colonial patriarchal practices and policies. However, since the second half of the twentieth century, women in South Sudan were able to venture into the political arena, business, and other occupations that were previously considered solely reserved for men. Women's visibility in politics, however, though limited was evident in the Southern Sudan Regional Government established after the signing of the Addis Ababa Agreement in 1972 and the role they played in the Comprehensive Peace Agreement, although they faced some obstacles. Starting with the obstacles that women faced, this chapter outlines the role of women in the CPA.

#### 4.2 Obstacles to Women's Participation in the Comprehensive Peace Agreement

Women faced various obstacles in their efforts to contribute towards a peaceful southern Sudan country. The obstacles include cultural practices and perceptions. Cultural practices and perceptions in South Sudan represent major obstacles to women's participation in politics and other public affairs.<sup>119</sup> Practices such as early, forced, and/or arranged marriages hinder women's advancement and empowerment. Such practices, for instance, limit women's chances to continue with education which could allow them to pursue careers in politics and other professions. In addition, cultural perceptions and patriarchal tendencies that view women as suited only for

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<sup>119</sup> IRIN (2005), "Sudan: Women demand greater inclusion in Southern peace process", *IRIN news* May 11. [retrieved online 30 August 2011 at <http://www.irinnews.org/report.asp?reportID=47149>]

domestic responsibilities while involvement in politics is seen as men domain further hinder women's efforts to pursue political roles.<sup>120</sup>

The gendered division of labor, which puts heavy burden on women's shoulders further contributes to the marginalization of women in politics and public life. In his speech during the signing of the CPA in 2005, John Garang indeed was the first South Sudanese leader to acknowledge how gendered division of labor placed more burdens on women's lives. He noted that, "women in Sudan as elsewhere in the world are marginalized of the marginalized whose suffering goes beyond description. The Sudanese rural woman, for example, gets up at five O'clock in the morning, to walk five kilometers, just to bring five gallons of water after five hours walk, spends another five hours working on the family farm, and five more hours making the family meal."<sup>121</sup>

Customary laws in the South also have influenced the role of women in public life, in particular political participation. The existing customary laws make it harder for women to escape the bondage of domestic roles which relegated them to the status of second class citizens or even second class in their marital life. It is true that under customary law women are valued and respected as mothers. They are also valued and cherished as daughters because they are expected to bring wealth to the family upon marriage. Women are also seen as guardians of culture and traditions and are charged with imparting cultural values to the younger generation including informing the girl child of her traditional roles. However, this accord of respect is not usually complemented by many aspects of customary laws pertaining to women's lives. These same aspects of the law are sometimes used to marginalize women's voices and rights, as well as to justify women's exclusion from political participation and decision-making process.<sup>122</sup>

Cultural obstacles have had a big impact on women literacy in South Sudan. There is high rate of illiteracy rate among women in South Sudan. The high rate of illiteracy among women in South Sudan is a big obstacle to women political participation. According to the Ministry of

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<sup>120</sup> Jane Kani Edward, "Women and political participation in South Sudan", Sudan Tribune, 2011

<sup>121</sup> John Garang's speech during the signing of the Comprehensive Peace Accord in Naivasha, 2005

<sup>122</sup> Boddy Janice, *Civilizing Women: British Crusades in Colonial Sudan*, Princeton: Princeton University Press, 2007.



Education's report of July 2011, the illiteracy rate in South Sudan is 73% and women represent the overwhelming majority. Other estimates even put the figure as high as 80%. This is a very high percentage given the population size of the country. Several factors contributed to such high illiteracy rate, among them the consequences of the 22-year civil war during which many educational institutions were destroyed, as well as some cultural perceptions that undervalue girls and women's education.<sup>123</sup> Another barrier to women participation in political life of South Sudan was their differentiated personal location. Women in South Sudan are not a homogenous group. Differences exist based on educational achievement, financial situation, age, marital status, political party affiliation, ethnic and regional affiliation, religion, and other forms of social difference. These social differences in turn shaped and influenced women's decisions in society, their chances, and the choices they made regarding their participation in political activities and public life at large.<sup>124</sup>

Women themselves were also a hindrance to their own advancement and empowerment, especially when they internalized the long held assumptions and perceptions that politics and other public affairs were only for men while, women's place was at home. Women internalization of such assumptions negatively affected their attitudes toward political life. For example, women might begin to dislike and/or feel reluctant to involve in politics. Those women who ventured into politics faced many challenges and criticism from men and sometime from their fellow women, for example, women who were politically active, were sometimes labeled as "unfeminine, irresponsible wives and/or mothers," and loose women".<sup>125</sup>

#### **4.3 Women and the Comprehensive Peace Agreement, 2005**

Women were never simply guests at the negotiating table that culminated in the CPA. The roles they played as combatants, supporters of fighting forces and peacemakers qualified them to sit at the negotiating table and to assume an active role in the implementation of the peace agreement. Thousands of women had joined the southern liberation struggle in response to a political situation that affected the whole communities. Women left the comfort and security of their

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<sup>123</sup> Shami, Seteney, *Women in Arab Society: Work Patterns and Gender Relations in Egypt, Jordan and Sudan*, Providence: Berg Publishers Limited, 1990

<sup>124</sup> Hale, Sondra, *Gender Politics in Sudan: Islamism, Socialism, and the State*, Boulder: Westview Press, 1996.

<sup>125</sup> McClintock, A. *Imperial leather: race, gender, and sexuality in the colonial contest*, New York: Routledge, 1995.

homes not just to accompany their husbands but to fight for freedom, democracy, equity, justice, rights and dignity of the people of south Sudan. Their roles in the conflict ranged from combatants to providers of support to fighters, including feeding and caring for the sick and wounded soldiers. Although in many armed conflicts women were victims of violence, bombing, landmines, hunger and diseases, it was not correct to portray the South Sudan women simply as innocent victims.<sup>126</sup>

In Khartoum, Northern women contributed gold in support of what they called the jihad in the south Sudan and encouraged their sons to fight for the Southern Sudanese people's rights. In the south, the Nuba Mountains and southern Blue Nile women contributed food and encouraged their sons to join the SPLA to fight marginalization and oppression by the government in Khartoum. On the other hand, Sudanese women worked very hard to keep families and communities together during conflicts through singing peace songs, persuading their husbands, sons and brothers to stop fighting, risking dangerous peace missions across enemy territories, or marrying across enemy lines to unite or reconcile warring communities. There were times when women stopped conflict from escalating by defying or opposing decisions by male members of the community to go to war. In one case women from a community in southern Sudan were reported to have threatened not to comply with their conjugal obligations until their husbands stopped killing each other, while in some areas of the south women threatened to expose their nakedness (a curse in most Sudanese customary beliefs) to protest ethnic conflict.<sup>127</sup>

At the Machakos (2004) and Naivasha (2005) negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), it was assumed that resolving the Sudanese conflict meant sharing power and resources between political forces along regional or geographical divides. This approach neglected other constituencies and the fact that a just and sustainable peace, based on good governance, equity, justice and democracy, required an environment where every citizen had the opportunity to contribute to decision-making and development. In particular, Sudanese women played a very central role in their society, in

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<sup>126</sup> Nnaemeka, O. (2003) "Nego-feminism: theorizing, practicing, and pruning Africa's way", *Signs: Journal of Women in Culture and Society* 29(2): 357-385

<sup>127</sup> Mayer, T. "Embodied nationalisms", in Staeheli, S. Kofman, E. and Peake, L. (eds) *Mapping women, making politics: feminist perspectives on political geography*. pp. 153-168. London and New York: Routledge, 2004

physical and psychological welfare as well as conflict prevention and peace building. It was therefore important that women were not just seen as passive victims, or as representatives of political parties, or as having no political affiliation or perspective, but that they were encouraged to participate fully and see their perspectives taken seriously and incorporated into solutions to political conflicts.<sup>128</sup>

After decades of a devastating civil war between North and South Sudan, the Comprehensive Peace Agreement (CPA) was signed in 2005 between the government of Sudan and the Sudan People's Liberation Movement (SPLM). The signing of the CPA brought the hope of peace and justice to all the people of South Sudan. Southern Sudanese women, who were both victims and actors during the liberation struggle<sup>1</sup> gained hope for improvements in their lives, both in the public and private spheres. Women also took a leading role in creating links and forums for resolving inter-ethnic conflict, leading to many grassroots peace accords. Examples include the people-to-people processes, such as the Wunlit Covenant between the Nuer and the Dinka and the Lilir Covenant between Nuer groups which aimed at ending hostilities between southern Sudan people. It is reported that when it was decided by Dinka elders that a peace delegation was to be sent to Nuer land, no one wanted to go. It was the brave wife of a Dinka chief who demanded that her husband lead his people to Nuer land, even though she was aware of the high risk involved. Another example where women stood together in solidarity against their husband's political position was the period following the split in the SPLM/A.<sup>129</sup>

Women from both sides of the split continued to visit one another, maintained communication and provided a forum to discuss issues that affected their communities, something no man was capable of doing. In order to effectively address social, economic and general problems of war facing women, many women organized themselves into groups, networks and NGOs on both sides of the political divide. These activist networks (including the Sudanese Women's Voice for Peace, New Sudan Women's Federation, and New Sudan Women's Association) went all over the world advocating peace and drawing attention to what was then referred to as "the forgotten

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<sup>128</sup> Anne Itto, "Guest at the Table: The Role of Women in Peace Process", Pact Sudan/Alex Dianga, 2006

<sup>129</sup> Abdi, C. M. "Convergence of civil war and the religious Right: reimagining Somali Women", *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

war”.<sup>130</sup> In Washington DC, the UN Headquarters in New York, The Hague and Beijing, women lobbied the international community to pressure Sudan’s warring parties to end the war. It was clear that the absence of women at the negotiating table in Naivasha or Abuja was not due to lack of experience and capacity, but to the perceptions of their role.<sup>131</sup>

The abrogation of the Addis Ababa Agreement of 1972 was a blessing in disguise. The liberation struggle in Southern Sudan gathered unprecedented momentum that Southern Sudan was ultimately to become independent in its own right. After a 22-year war a Comprehensive Peace Agreement (CPA) was reached in 2005 that, unlike the Addis Ababa Agreement, granted Southern Sudan the right to self-determination with an interim period of 6 years after which a referendum would take place for Southern Sudan to choose either to remain united with Northern Sudan or to secede and become an independent country. The experience of Juba Conference of 1947 was quite enough for people to have learned about the unity of Sudan. This was also reinforced by a message from none other than John Garang de Mabior, the charismatic leader of the second revolutionary armed struggle, who said,

“I and those who joined me in the bush and fought for more than twenty years have brought to you CPA on a golden plate. Our mission is accomplished. It is now your turn, especially those who did not have a chance to experience life in the bush. When time comes to vote at referendum, it is your golden choice to determine your fate. Would you like to vote to be second class citizen in your own country? It is absolutely your choice”.

Who would really be a fool to vote for unity of Sudan that was racially and religiously discriminative?<sup>132</sup>

However, some southerners who ignored how their brethren were treated in a united Sudan shamefully voted for unity of Sudan. Fortunately they were a very tiny minority that the southerners who voted for secession and independence had sweet dreams the day the one result

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<sup>130</sup> IRIN (2005), “Sudan: Women demand greater inclusion in Southern peace process”, *IRIN news* May 11. [retrieved online 30 August 2011 at <http://www.irinnews.org/report.asp?reportID=47149>]

<sup>131</sup> Amel Aldehaib, (Edited) Orly Stern, *Sudan’s Comprehensive Peace Agreement Viewed through the Eyes of the Women of South Sudan: Restorative Justice*, 2010

<sup>132</sup> John Garang’s speech during the signing of the Comprehensive Peace Accord in Naivasha, 2005

of the referendum was announced. The cherished result was a massive 98.43 per cent for secession and independence of Southern Sudan.<sup>133</sup>

The journey that led to the signing of the Comprehensive Peace Accord was a long and costly one in terms of both time and human life. It started with the war after the collapse of the Addis Ababa Agreement. The Comprehensive Peace Agreement was simply the re-affirmation of the previously signed series of six agreements. They included the Protocol of Machakos signed in Machakos, Kenya, on 20 July 2002, in which the parties agreed on a broad framework, setting forth the principles of governance, the transitional process and the structures of government as well as on the right to self-determination for the people of South Sudan, and on state and religion. Human suffering associated with the war led to other negotiations that culminated into the Machakos Protocol of 2002. The protocol had provisions which were to allow the southern Sudanese people the right to govern affairs in their region and participate equitably in the national government. Peace implementation was to be conducted in ways that make the unity of Sudan attractive. In the protocol, Shari'a law was to remain applicable in the north and parts of the constitution were to be re-written so that Shari'a law does not apply to any non-Muslims throughout Sudan. The status of Shari'a in Khartoum was to be decided by an elected assembly.<sup>134</sup>

The second agreement was the Protocol on security arrangements signed in Naivasha, Kenya, on 25 September 2003. This protocol had provisions that during the six-year interim period, Joint Integrated Units (JIUs) of 21,000 soldiers were to be formed with equal numbers from the Sudan Armed Forces (SAF) and the SPLA. They were to be deployed to sensitive areas such as the three disputed areas and were to be commonly stationed, although had to maintain separate command and control structures. If, after the interim period, the south decides to secede, the JIUs were to be unified into a 39,000 strong force. The SAF and the SPLA was also to continue to operate as separate armies with both considered part of Sudan's National Armed Forces. Each army was to be downsized and the parties were to implement Demobilization, Disarmament and

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<sup>133</sup> Jacob K. Lupai, "A Radical Approach Needed in South Sudan National Interest", South Sudan Nation, 2012

<sup>134</sup> Summary of the Comprehensive Peace Agreement, Accord, 2008, p. 32, 33

Reintegration (DDR) programs.<sup>135</sup> No other armed groups were to be tolerated outside the umbrella of the three services. There was to be a redeployment of 91,000 SAF troops from the south to north within 2 years.<sup>136</sup> The SPLA had 8 months to withdraw its forces from the north. A permanent cessation of hostilities was provided for, detailing disengagement and the creation of various committees for enforcement and oversight.<sup>137</sup> DDR and reconciliation were provided for through a number of commissions. Monitoring was to be carried out by a UN mission to support implementation, as provided for under Chapter VI of the UN Charter.<sup>138</sup>

The third agreement was that of the Protocol on wealth-sharing signed in Naivasha, Kenya, on 7 January 2004. The provisions of this protocol were Sudan was to have both a national government with representation from both sides of the north-south conflict, and a separate Government of Southern Sudan (GoSS). The Southern Sudan Constitution and state constitution were to comply with the Interim National Constitution. A Government of National Unity was to be formed. There was to be a decentralized system of government, granting more power to individual states. Positions in the state governments were to be split 70:30 in favour of the NCP in northern states (20% for other northern parties and 10% for the SPLM) and 70:30 in favour of the SPLM in southern states (15% for other southern parties and 15% for the NCP). In Abyei, the Blue Nile State and Nuba Mountains the division was to be 55% for the NCP and 45% for the SPLM. The executive was to consist of the Presidency and the Council of Ministers. Two Vice-Presidents were to be appointed by the President. The First Vice President was the Chair of the SPLM. A bicameral national legislature was to be established. The National Assembly was to be comprised of specific percentages (NCP 52% SPLM 28% other northern parties 14% other southern parties 6%). Two representatives from each state were to be represented in the Council of States. Elections were to be held by the end of the third year of the interim period.<sup>139</sup>

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<sup>135</sup> Oral interview, Joseph Lagu chairman and commander in chief of A Nya nya one 1972 peace agreement

<sup>136</sup> IRIN (2005), "Sudan: Women demand greater inclusion in Southern peace process", *IRIN news* May 11. [retrieved online 30 August 2011 at <http://www.irinnews.org/report.asp?reportID=47149>]

<sup>137</sup> Her Excellency (H.E.) Jemma Nuna Kumba, speech at a conference on women's empowerment and political participation, Juba, Sudan 18 August 2008

<sup>138</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177,

<sup>139</sup> Nnaemeka, O. (2003) "Negotiating, practicing, and pruning Africa's way", *Signs: Journal of Women in Culture and Society* 29(2): 357-385

The fourth agreement was the Protocol on Power-sharing signed in Naivasha, Kenya, on 26 May 2004. The protocol provided for the establishment of the National Land Commission, Southern Sudan Land Commission and State Land Commissions. A National Petroleum Commission was to be established to manage petroleum resources. 2% of oil revenue was to go to oil producing states in southern Sudan in proportion to their output. The remaining net revenue was to be divided evenly with 50% allocated to the GoSS and 50% allocated to the national government. The GoSS was given no power to negotiate any of the oil leases granted by the national government prior to the CPA. The National Government was to be able to collect revenue from personal income, corporate and customs taxes.<sup>140</sup> The GoSS could collect revenue from personal income taxes, luxury taxes and business taxes in southern Sudan. Taxes that were to be collected by states were also outlined. A commission to ensure the transparency of collection and use of revenues was to be formed. Two banking systems were to be formed in the two areas, with the Bank of Southern Sudan as a branch of the Central Bank of Sudan. Essentially, the dual banking system meant that banks were to be commonly stationed with two different windows for service. Two separate currencies in the north and south were to be recognized until the Central Bank had designed a new currency that would reflect the cultural diversity of Sudan. National and southern funds for reconstruction and development were to be established along with two multi-donor trust funds.<sup>141</sup>

The fifth agreement was the Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States signed in Naivasha, Kenya, on 26 May 2004. The protocol outlined that the Abyei region will be accorded special administrative status during the interim period, following the definition of the Abyei areas by the Abyei Border Commission. Abyei was to have representation in the legislature of Southern Kordofan and Warap states. At the end of the six-year interim period, Abyei residents were to vote in a referendum either to maintain special administrative status in the north or to become part of Bahr al-Ghazal (Warap) state in the south. Wealth-sharing of oil revenues from Abyei was to be split between the north and south at the ratio of 50:42 with small percentages of revenues allocated to other states and ethnic

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<sup>140</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.

<sup>141</sup> Summary of the Comprehensive Peace Agreement, Accord, 2008, p. 32, 33

groups.<sup>142</sup> The Ngok Dinka people, the Misseriyya people and Bahr al-Ghazal (Warap) state to get 2% each while to Southern Kordofan state (SKS) and the Western Kordofan sub-state component of SKS to get 1% each.<sup>143</sup>

The sixth and final agreement was the Protocol on the resolution of conflict in Abyie signed in Naivasha, Kenya, on 26 May 2004. The sixth protocol outlined the resolution of conflict in Southern Kordofan and the Blue Nile States. The two states were to be represented at the national level in proportion to their population size. At the state level, the NCP was to comprise 55% and the SPLM 45% of the State Executive and State Legislature. Southern Kordofan State (SKS), the southern portion of West Kordofan State (WKS) was to be incorporated into the SKS. The state legislature was to have 36 members from the SKS component and 18 from the former WKS component, subject to readjustment following a census. The state executive was to have 7 from SKS and 4 from WKS. Al-Fula were to have branches of all state ministries and institutions headed by a deputy. The legislature was to convene sessions alternatively at Kadugli and Al-Fula. Governorship of each state was to rotate between the NCP and SPLM during the interim period. Wealth sharing was to as follows the 2% of SKS oil due to the state was to be shared between the two state components. The 2% share of Abyei's oil due to the state was to be equally divided between two state components. The 2% forming the Misseriyya share in Abyei oil was to benefit the previous Western Kordofan component. The legislature of the two states was to evaluate the implementation of the CPA. State Land Commissions were to be established (in case decision clashes with National Land Commission and cannot be reconciled, the Constitutional Court will decide the matter).<sup>144</sup>

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<sup>142</sup> Abdi, C. M. "Convergence of civil war and the religious Right: reimagining Somali Women", *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

<sup>143</sup> Mayer, T. "Embodied nationalisms", in Staeheli, S. Kofman, E. and Peake, L. (eds) *Mapping women, making politics: feminist perspectives on political geography*. pp. 153-168. London and New York: Routledge, 2004

<sup>144</sup> Summary of the Comprehensive Peace Agreement, Accord, 2008, p. 32, 33



#### 4.6 Women Involvement in Comprehensive Peace Agreement

Although the signing of the 2005 Comprehensive Peace Agreement was widely welcomed in the South, it was also criticized for excluding women political leaders and civil society more generally unlike in the peace campaigns where women were better represented.<sup>145</sup> This problem of women's representation mirrored the history of women's marginalization in Sudanese politics.<sup>146</sup> However the signing of the Comprehensive Peace Agreement (CPA) marked a shift in women's engagement within formal political structures and the peace and reconstruction process. Though much of the CPA focused on power sharing in terms of governance and the formal political sphere, there was also an emphasis on social justice and both ethnic and gender equality. The recognition of the equal rights of men and women was formally included in the Machakos Protocol and a number of new laws protecting the legal rights of women were introduced, including the often cited twenty five percent reserved for women in political office. Although South Sudanese women were active in varied ways in the resistance movement, they were often excluded from key positions of military and political power and marginalized within the formal structures of the SPLM.<sup>147</sup>

Women were sidelined in the formal peace process. Here, the exclusion of women occurred explicitly, for example with the removal of all six women initially involved in the 2002 negotiations. It also occurred more implicitly by the exclusion of civil society groups and non-governmental organizations working on issues of peace and nation building in Southern Sudan. These groups tended to have a greater proportion of women represented on their boards and on their staff and were more likely to focus on the issues of gender equality and women's rights. The power sharing formula used for the creation of the transitional Government of Southern Sudan and the various related commissions developed to implement the peace agreement also only included political parties, with few women sitting on these commissions and no involvement of civil society organizations.<sup>148</sup> The lack of representation was reflected in the

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<sup>145</sup> Oral interview, Susan Jambo Chairperson of Nes-network for Peace in South Sudan 2005, now s member of SPLM Secretariat Foreign Affair Desk, 19/08/2013

<sup>146</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177,

<sup>147</sup> Her Excellency (H.E.) Jemma Nuna Kumba, speech at a conference on women's empowerment and political participation, Juba, Sudan 18 August 2008

<sup>148</sup> McClintock, A. *Imperial leather: race, gender, and sexuality in the colonial contest*, New York: Routledge, 1995.

power held traditionally by women in the formal political system of the Republic of Sudan as a whole. In 2003, within the unified nation of Sudan, only four out of one hundred people admitted to the country's judiciary were women. At this time they formed six percent of the judges in Sudan's High Court and twenty six percent of the judges in the general court.<sup>149</sup> By 2006 there were only two female ministers in the Ministry of Social Welfare and Social Development and in the Ministry of International Cooperation, with no significant representation in strategic ministries such as Foreign Affairs, Defense or Finance. A similar pattern of under representation was evident in the formation of the new government of South Sudan where twenty five percent of new seats were formally allocated to women.<sup>150</sup>

In the South, as in the North, ethnic, class based and marital privileges often shaped the way women were positioned in their roles. Language also emerged in the South as an important factor shaping women's inclusion in political life. Those women educated in English in East Africa had distinct advantages in the new Government of South Sudan where the majority of business was conducted in English. In the post-conflict era, language joined ethnicity, religion, educational status and class in determining women's access to power. As women in the South were historically marginalized in terms of education, and carried a disproportionate burden of care for family and community, they faced increased challenges in running successfully for political office or finding employment in the formal sphere.<sup>151</sup>

Despite the active roles that women played at various levels to bring peace to the Sudan their role had tended to be underestimated or ignored during negotiations. This may have originated from the misconception that women were passive victims of war, forgetting the very important role they played in peace efforts earlier. Neglect of women was a disappointing aspect of the 2005 Comprehensive Peace Agreement (CPA) and 2006 Darfur Peace Agreement (DPA) which negotiated for an equitable share of power and resources premised around political forces and regional interests. Neither mediators nor drafters gave much thought to other constituencies or

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<sup>149</sup> Abdi, C. M. "Convergence of civil war and the religious Right: reimagining Somali Women", *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

<sup>150</sup> Mayer, T. "Embodied nationalisms", in Staeheli, S. Kofman, E. and Peake, L. (eds) *Mapping women, making politics: feminist perspectives on political geography*. pp. 153-168. London and New York: Routledge, 2004

<sup>151</sup> Her Excellency (H.E.) Jemma Nuna Kumba, speech at a conference on women's empowerment and political participation, Juba, Sudan 18 August 2008

dimensions, such as gender, along which power and wealth could be shared. Yet conflict in Sudan was not just a matter of political rivalry but was triggered by many forms of marginalization.<sup>152</sup> The late John Garang, the SPLM/A leader and briefly the First Vice-President of Sudan and President of Government of Southern Sudan, publicly recognized the importance of women in success of any peace efforts.

Long before the negotiations, he used affirmative action (quotas and training) aimed at creating a critical mass of women capable of influencing policies and decisions. The SPLM/A leadership nominated a handful of women leaders as members of the delegation to Machakos and subsequent rounds of negotiations. However, this did not necessarily enable their strong participation. Women were often co-opted to these delegations at short notice with very little opportunity to consult with each other and develop a women's peace agenda. They were expected to contribute to the overall party position which was gender-blind to begin with or intimidated anyone who dared to spend much time on gender issues. For example, during the negotiations SPLM/A women proposed a minimum quota of 25 per cent for the representation of women in the civil service, legislative and executive positions. One senior male member of the SPLM/A delegation laughed and asked where the women would be found to fill these positions. The 25 per cent quota was eventually accepted in the larger group, where there were at least three women, but then the all-male SPLM/A drafting committee reduced this figure to 5 per cent.<sup>153</sup>

The SPLM/A Chairman raised the women participation to 10 per cent as a compromise. Later on the compromise was dropped altogether when government negotiators refused a quota for women in power sharing on the grounds that they had not been fighting women. There were articles in the final agreement that recognized customs, traditions and religion as sources of moral strength for the Sudanese people, personal and family matters including marriage, divorce, inheritance and succession fall under the competency of customary law. Yet some customs and traditions have contributed to the marginalization of women. Even when women were consulted

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<sup>152</sup> Caroline Faria, *Gendering War and Peace in South Sudan: The Elision and Emergence of Women*, Association of Concerned African Scholars, 2011

<sup>153</sup> Abdi, C. M. "Convergence of civil war and the religious Right: reimagining Somali Women", *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

about gender issues or directly included in the peace negotiations, it was only a gesture to showcase democracy and inclusiveness. Their perspectives and their experiences in peace building and negotiation were not recognized or fully utilized.<sup>154</sup>

Unfortunately, the CPA was gender blind. Gender inequality was never considered to be a factor in security or in the sharing of power and wealth as gender identity was not considered as a category of analysis. The CPA did not address structural injustice in an inclusive manner. The narrow understanding of democracy was based on masculine norms and was not inclusive of women. As such, it excluded half of the population from its pursuit of justice. One of the major changes that were agreed upon in the CPA were related to the legal system that would govern people's affairs. It was agreed that while North Sudan would continue to apply Islamic law, South Sudan would apply a secular democratic law (including customary law and sharia law in some places).<sup>155</sup> Following from the CPA, the new Interim Constitution of South Sudan was enacted in 2005. Interestingly the Interim Constitution said that a source of law in South Sudan the custom and tradition and therefore customary law was regarded as one of the recognized bodies of law, similar to Sharia in the North.

Unfortunately, neither the CPA nor the Interim Constitution granted women genuine equal rights even though the Constitution was supposedly based on human rights principles. In fact, the constitution contained a significant conflict of interests while on the one hand it granted equal rights to men and women in the Bill of Rights (Article 32[1]). It also legitimized the rights of people to their culture through customary laws. While customary law was a fundamental component of South Sudanese cultural identity, the institutionalization of customary law in its current highly patriarchal state legitimized the continued perpetuation of the violation of women's rights. Thus, women in post-conflict South Sudan were trapped between two incompatible legal institutions with little power to assert their own rights. Unfortunately, the result was that formal rights becoming nothing more than unfulfilled promises.<sup>156</sup> In spite of the

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<sup>154</sup> Anne Itto, "Guest at the Table: The Role of Women in Peace Process", Pact Sudan/Alex Dianga, 2006

<sup>155</sup> McClintock, A. *Imperial leather: race, gender, and sexuality in the colonial contest*, New York: Routledge, 1995.

<sup>156</sup> Mayer, T. "Embodied nationalisms", in Staeheli, S. Kofman, E. and Peake, L. (eds) *Mapping women, making politics: feminist perspectives on political geography*. pp. 153-168. London and New York: Routledge, 2004

fact that the new Constitution was based on human rights principles, some parts of customary law continued to perpetuate gender inequality and human rights violations.

The CPA gave the South Sudanese people the right to reform their own legal system in accordance with the peoples' aspirations and cultural identity, South Sudanese women found themselves excluded and without the equality and liberation that the war and the negotiated peace was supposed to bring. On the contrary, their security, especially in the private sphere, had become further at risk in the aftermath of the war. This conflict between cultural rights and women's rights, both of which were protected in the Constitution, lay at the heart of the contemporary debate on universalism versus cultural relativism in the human rights discourse. Proponents of universalism regarded fundamental human rights as applicable across the board, while proponents of cultural relativism argued that human rights are not universal and that they should be interpreted within the respective cultural, political and social contexts.<sup>157</sup>

A country with a similar issue was South Africa, whose constitution protected both the right to culture and the right to equality for women. The situation was simplified in the South African Constitution by a clause that read that the right to culture may not be exercised in a manner that is inconsistent with other provisions in the Bill of Rights. The South African Constitutional Court used this section to strike down tenets of customary law that breach the equality rights of women. South African Sibongile Ndashe argues that this rights-based discourse remains the most convincing means for advancing women's rights within customary laws.<sup>158</sup>

Martin Chanock argues that using African cultural assertions to protect customary law is romanticizing customary law in the name of culture. Certain types of assertions about customary law in Africa were falsehoods created to further western dominance. Chanock argues that the reintegration of the history of African family law in the human rights discourse will remove this false traditionalism. In his book, *Identity, Diversity and Constitutionalism in Africa*, Francis Deng writes that 'ultimately it is possible to see cultural relativism not as a force intent on excusing human rights violations or unraveling the conventional notion that human rights are universal, but rather as a source of strength by which universalism can actually find greater

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<sup>157</sup> Nnaemeka, O. "Nego-feminism: theorizing, practicing, and pruning Africa's way", *Signs: Journal of Women in Culture and Society* 29(2), 2003, pp. 357-385

<sup>158</sup> Lam Jok Wai Wuor, *The causes of Sudan's break up and the Future of South Sudan*, South Sudan Net, 2010

legitimacy, local reinforcement and enrichment. It is through frank debates about cultural relativism that we can explore the sources of genuine conflicts between the local and the universal. However, what remains important is not the legal text, but rather how accessible these legal rights are for individuals or groups, who may lack the power to access these rights.

Ndashe explains that ‘rights in abstract, without the institutional framework that support these rights will lead to less protection and may ultimately disadvantage women rather than protect them. The prominent religious and political Sudanese reformist Mahmoud Mohamed Taha posted a challenge in his 1979 book, *Promoting the Sharia of Personal Act Law*, noting the need to reconcile individual freedom with the community requirements for inclusive social justice. Taha saw that while community social justice was a means, individual freedom was the ultimate end. Customary law is an important feature in the new peace for the South Sudanese people, as it entrenches their cultural identity, strengthening the social fabric and contributing to the peaceful co-existence of families and communities. However, the institutionalization of customary law in its current highly patriarchal shape fails to transform gender identity to accord with the celebrated peace and liberation. South Sudanese women who were part of the liberation struggle have found themselves without the expected gains of equality and liberation, especially in the private sphere.<sup>159</sup> Conditions for women in this time of peace, are often more difficult than they were at times of war, raising the question as to whether the women of South Sudan really gained liberation from the liberation struggle.<sup>160</sup>

#### **4.7 Women Experiences after the Comprehensive Peace Agreement**

Unfortunately, despite the hopes of change that the CPA brought, narratives of violence against women in South Sudan have increased since the end of the war. While there is a lack of statistics on the prevalence of domestic violence in South Sudan both before and after the war, some studies carried out since 2005 by women’s groups and international organizations have shown an increase in domestic violence, marital and non-marital rape, beating of women, and economic deprivation experienced by women since the peace process began. Research carried out by the

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<sup>159</sup> Abdi, C. M. “Convergence of civil war and the religious Right: reimagining Somali Women”, *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

<sup>160</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.

Women Development Group in Wau, South Sudan, has shown that physical and sexual violence against women has grown more violent during the course of peace due to the prevalence of small arms, men taking on multiple partners and the excessive drinking of alcohol by men.<sup>161</sup>

In June 2006, the Chairperson of the Parliamentary Committee for Gender, Youth and Sports in South Sudan addressed the United Nations Security Council in a talk entitled, *A Message from the Women from Southern Sudan to the UN Security Council in Relation to UN Security Council Resolution No. 1325*. The Chairperson told the Security Council that women continued to suffer from extreme forms of violence in the aftermath of the war and continue to have a low social status. The address warned that social dynamics would be in a state of transformation during the post-conflict period, and that these social changes would be likely to push violence further into the private sphere, rendering women's vulnerability less visible and noticeable. Many reasons are given for the increase in violence against women since the war. Participants in a workshop in South Sudan were asked what they thought the reasons for the deterioration of conditions for South Sudanese women were since the war. Participants mentioned multiple reasons, among which were the prevalence of small arms and the excessive drinking of alcohol.<sup>162</sup>

The male dominance contributed to the increase in gender violence in South Sudan. Equally the question of both the formal (civil law) and the informal (customary law) justice systems fail to provide redress for women who are victims of gender violence. This sends a message that it is acceptable behaviour, and fails to act as a deterrent for other perpetrators. A workshop participant from South Sudan explained: 'When your husband abuses you at home, he thinks you are his property and that he bought you by paying dowry to the males of your family.'<sup>163</sup> If you complain to the civil court, the judge will mostly refer you back to the customary male chiefs in your tribe. You complain to the male customary chiefs and they will ask you to obey your husband and follow our community culture, which gives men power over women, and if you

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<sup>161</sup> IRIN (2005), "Sudan: Women demand greater inclusion in Southern peace process", *IRIN news* May 11. [retrieved online 30 August 2011 at <http://www.irinnews.org/report.asp?reportID=47149>]

<sup>162</sup> Erickson, J and Faria, C., "We want empowerment for our women': transnational feminism, neoliberal citizenship, and the gendering of women's political subjectivity in post-conflict South Sudan", *Signs: Journal of Women in Culture and Society* Vol. 36(3), 2011, 627-652

<sup>163</sup> Beswick, S. "Women, war and leadership in South Sudan (1700-1994)" in Spaulding, J. and Beswick, S. eds. *White Nile, black blood: war, leadership, and ethnicity from Khartoum to Kampala* Asmara, London: Red Sea Press, 2010

insist not to, then you have to face and may bear the consequences, which you can't, unless you have a lot of courage, so we choose to suffer in silence, because we are poor and have no right to object. Actually we don't know where to find justice.' An increase in violence in post-conflict is not something that is confined to South Sudan. This is a pattern that has been seen in post conflict settings across the continent.<sup>164</sup>

It is commonly reported that violence against women increases when war-related fighting dies down. The harsh reality for women in post-conflict South Sudan raises questions about the meaning of peace and liberation. If wars are initiated as a result of social oppression and a means by which to challenge this oppression, are 'peace' and 'liberation' really achieved if women continue to suffer from oppression? What do peace and liberation really mean, and why should women experience them differently to men? How is gender identity transformed during and after liberation? If women are seen as equal citizens by a state, why doesn't the state intervene to protect their rights? Peace is more than just the absence of war. Peace should encompass a state of wellbeing that includes security for all citizens in both the public and private spheres. Galtung defines 'negative peace' as being characterized by an absence of direct fighting. This does not necessitate a full and lasting end to conflict or a real change in people's lives and social circumstances.<sup>165</sup>

'Positive peace' on the other hand, means a state of social justice, which is present when both structural and cultural violence have been overcome. "Positive peace" lens will be used for the purpose of this paper. A gendered analysis of peace and security is war and peace differently to men. According to the feminist discourse, peace is not just the absence of war. Rather, it involves social justice and a consciousness and transformation around gender identities, masculine and feminine stereotypes, family structures and power relations within the family and community. Real peace in post-conflict times should include the emergence of new gender identities, new gender roles, and new decision-making power structures. In order to analyze Sudan's transition to peace, we need to begin by examining how gendered identities existed historically, how they

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<sup>164</sup> Abdi, C. M. "Convergence of civil war and the religious Right: reimagining Somali Women", *Signs: Journal of Women and Culture in Society* 33(1), 2007, pp. 183-207.

<sup>165</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.



were embedded in the liberation struggle, and how they have been changed by the liberation struggle.<sup>166</sup>

#### **4.8 Lessons Learned from the Experience of Seclusion of Women**

The SPLM/A women's realization that the CPA did not require any party to achieve gender-related targets prompted them to share their experiences with Darfurian women during the Abuja negotiations. The women told how they had been shocked that the CPA apart from making provision for a bill of rights left women to the mercy of governments and political parties. The Darfurian women took these experiences seriously and with support from UNIFEM and other organizations who realized they had not done enough to support the SPLM/A women, quickly started to lay down the strategy for influencing the peace process and the final document. They lobbied for women to be involved and the result was over 70 sections in the agreement referred to women, including the recognition of gender-based violence and the recommendation that women be involved in drafting legislation.<sup>167</sup> However, like the CPA, the DPA relies largely on men for its implementation, and the likelihood that the DPA would be fully implemented appeared very slim.

From the past experience, women from Darfur were to get the government to commit to such important initiatives as gender sensitive police training. Lack of commitment to implementing the provisions of an agreement could render even a good agreement useless, so the full participation of women in the implementation of CPA, DPA and the recent Eastern Sudan Peace Agreement was essential. This could be achieved through the effective dissemination of the agreements and the Interim National Constitution and through building women's capacity to organize themselves to negotiate, lobby and advocate for their rights and interests. Even though many individual Sudanese men resisted gender mainstreaming, in the south the official government position was favourable to women's equality and empowerment. Consequently, the South's Interim Constitution had a 25 per cent quota for women's representation in the

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<sup>166</sup> Aldehaib, A. "Sudan's Comprehensive Peace Agreement viewed through the eyes of the women of South Sudan", *Fellow Program Occasional Paper*, 3 Wynberg: Institute for Justice and Reconciliation, 2010.

<sup>167</sup> Donna Pankhurst, "A Feminist Approach to Peace Building", *Development in Practice*, Vol. 13, No. 2/3, 2003, pp. 154-177,

legislative and executive, making it unconstitutional for any government institution not to have women in decision-making positions.<sup>168</sup>

The President of the Government of Southern Sudan (GoSS) had appointed women as chairpersons for the Human Rights Commission and the Anti-Corruption Commission, and he reportedly officially refused to view any list of appointees for State and GoSS positions that did not include women. This allowed two cabinet ministers, four Chairpersons of Parliamentary Committees and two presidential advisors to be women. On the other hand, at the Government of National Unity level, the National Congress Party, including its women leaders, opposed both a quota for women in the government and the UN Convention on the Elimination of All Forms of Discrimination against Women.<sup>169</sup> Instead they preferred women's empowerment, a vague term which did not effectively tackle the issues of rights and freedoms.<sup>170</sup>

#### **4.9 Conclusion**

This chapter has outlined women roles in the Sudan peace processes. It has argued that the CPA ended a long and devastating war and was a source of pride for both the region and Africa as a whole because it demonstrated Africa's ability to resolve its conflicts, notwithstanding the importance of the support from the international community. However, with due respect to the achievements of all parties to the agreement, mediators and the international community, the role permitted to women during negotiations was based on a perception of them as passive victims of war, not active players in politics and society. This was clearly reflected in the CPA's lack of clear gender targets or timelines for the parties to meet, limiting the effective utilization of women's experiences, expertise and perspectives in decision-making in the post conflict period.

Democracy is about freedom and rights of participation in decision-making, but the democracy bequeathed by the CPA and DPA was lopsided, lacking a level playing field for women. However, the CPA did create a new democratic political space and committed the government to

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<sup>168</sup> Her Excellency (H.E.) Jemma Nuna Kumba, speech at a conference on women's empowerment and political participation, Juba, Sudan 18 August 2008

<sup>169</sup> Nnaemeka, O. (2003) "Nego-feminism: theorizing, practicing, and pruning Africa's way", *Signs: Journal of Women in Culture and Society* 29(2): 357-385

<sup>170</sup> IRIN (2005), "Sudan: Women demand greater inclusion in Southern peace process", *IRIN news* May 11. [retrieved online 30 August 2011 at <http://www.irinnews.org/report.asp?reportID=47149>]

good governance and the rule of law, justice, equity and respect for human rights. The chapter has shown that Sudanese women needed to rise to the challenge of building a solid foundation for democracy by doing everything possible to increase their political participation and create an equal and level playing field for all citizens. The greatest hope for women across Sudan was that they were able to expand on the Bill of Rights in the Interim National Constitution as well as effect change through the mid-term elections and effective mobilization. The peace agreements and their shortcomings were important areas for their campaign, making women realize the need to increase their representation in legislative assemblies at state and national levels, to gain more influence to address poverty and to change how laws and budgets are drafted and implemented.

## CHAPTER FIVE

### SOUTH SUDAN WOMEN IN POST INDEPENDENCE ERA

#### 5.1 Introduction

The more than 98 per cent of people of all tribes in Southern Sudan did not vote for independence for fun. The overwhelming vote for independence precisely meant people earnestly wanted freedom from human rights violations and services for a decent standard of living. In short people wanted a life different from the one before independence where they were subjects of torture and extensive suffering. Southern Sudanese did not need a lecture on problems with Northern Sudan in order to vote for secession and independence. They were already self-taught and experienced firsthand Arab's arrogance of treating southerners as second class citizens. The experience gained in living with northerners, especially the Arabs, should have made southerners experts in nation building. However, southerners seem to be extremely slow learners and practitioners in putting the required things for the common good into practice in promoting unity. This is the right of women.

#### 5.2 The Situation after Independence

The CPA and the process of independence of South Sudan have left many unsolved key issues that might in the end endanger the full peace process. In particular, unresolved issues over citizenship, Abyei, border and the sharing of resources namely oil revenues and Nile waters. These key resources represent issues over which confrontation with Sudan can escalate. For what concerns Nile waters, they potentially expose South Sudan to risks of conflicts also with other regional actors, including Egypt. South Sudan will have to focus on state and nation building, deepening peace building, preventing conflict, improving security, and bringing about a process of rapid economic development to reduce poverty in order to secure the gains obtained through independence.<sup>171</sup>

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<sup>171</sup> Debay Tadesse, "Post-Independence South Sudan: the challenges ahead", ISPI (Istituto Per Gli Studio Di Politica Internazionale), 2012

A historic moment for South Sudan was marked in January 2011, as the people registered as South Sudanese. They showed up to the voting ballots in order to decide the future of their own country. Whether to stay united with northern Sudan and continue the difficult cooperation that the Comprehensive Peace Agreement (CPA) established, or to secede as an own nation state with all the various advantages and challenges that this could imply.<sup>172</sup> This referendum was the culmination of a six year long process initiated by the National Congress Party (NCP) and the Sudanese People's Liberation Movement/Army (SPLM) which started in 2005.<sup>173</sup> The people decided to succeed but there remained key issues that needed to be ironed in the newest African state. The challenge that the post-independence South Sudan issues brought was need for immense and the strategies to address the challenges but what seems to happen is that the mechanisms are complex and slow.<sup>174</sup> The main protagonists in the referendum from both the NCP and SPLM have not agreed yet on several post-referendum issues including citizenship, Abyei, oil revenues, Nile water sharing, and borders among others.<sup>175</sup>

The key issues that must be addressed are citizenship, Abyei region, Oil and water resources and the border fixing. Citizenship in South Sudan is complex. This is because the CPA did not clearly spell out the fate of Southerners living in the North after separation. There are southerners in the North and also there are northerners in the South. According to some estimates there are over two million Southerners living in the North. With the referendum on January 9, 2011 there was naturally the fear of the unknown as to what would happen to southerners in the North since the South boldly voted for independence. Noises from prominent northern leaders of denying southerners in the North basic services if the South chooses independence have not yet come true. It stands to reason that NCP will predictably argue that Southerners in the North will forfeit their Sudanese citizenship; hence rights of employment, ownership, residency and entry to North Sudan could all be revoked.<sup>176</sup>

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<sup>172</sup> Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012

<sup>173</sup> IRIN, *South Sudan: Briefing on Jongeil Violence*, Humanitarian News and Analysis, 2012

<sup>174</sup> Oral interview, Rebecca Johau Okech -New Sudan Women Federation, she was South Sudanese women head of delegation to Beijing China 1995 now minister of Telecommunication South Sudan Government, 6/9/2013.

<sup>175</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>176</sup> Lam Jok Wai Wuor, *The causes of Sudan's break up and the Future of South Sudan*, South Sudan Net, 2010

More so the critical challenge is with regards to the many Southern citizens who are employed by various state institutions, particularly in the military and police force. How the status of Southern citizens will be settled and what are the mechanisms that will be adopted by both the NCP and SPLM to overcome some of these and other associated issues are questions that remain unanswered. In addition, many political and military leaders are now coming back to Southern Sudan after years of working in the North or abroad. The way the SPLM-led government handles this entire process will to a large degree define the nature of the post-independence state in Southern Sudan.<sup>177</sup>

The proposed agreement affirmed that no person's nationality or citizenship would change during the CPA period, regardless of the referendum outcome. Citizens would remain entitled to live anywhere in the country, and their rights as such would remain intact. In the event of secession, a person's status would not be determined until a new state was established in the South after the end of the CPA interim period in July 2011, new citizenship and nationality laws were established in that state, and existing laws were clarified in the Northern state.<sup>178</sup> After these conditions were met, a constitutionally protected transitional period would ensue in which a person might freely choose to retain or acquire citizenship in either North or South. The text was largely compatible with a previous SPLM proposal and grounded in state practice and international law. The NCP instead proposed that any person deemed eligible to vote in the referendum would be limited to Southern citizenship and would lose citizenship rights in the North.<sup>179</sup> The question is what might such a policy mean for Northerners in the South? Since the policy appeared inconsistent with existing citizenship laws, was it not a slippery slope with potential implications for many groups in the North?

Therefore, it would be helpful for the international community to monitor the treatment of southerners in the North and the treatment of northerners in the South. Above all it should be part of the undertaking that the North and the South should agree on the safety and welfare of all Sudanese. Dual citizenship may be suggested as the solution. The danger here, however, is that

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<sup>177</sup> Lam Jok Wai Wuor, The causes of Sudan's break up and the Future of South Sudan, South Sudan Net, 2010

<sup>178</sup> Kate Williams, "Social networks and social capital" *Journal of Community Informatics*, Vol. 4 No. 3.ce, Vol. 17, No. 1, 2008, pp. 61-84.

<sup>179</sup> *Ibid*

people may have divided loyalty in contrast to being a citizen of only one country. It may be argued that when southerners in the North are given dual citizenship this may not alter their loyalty to the South and so southerners in the North may still suffer harassment. On the other hand dual citizenship may improve North-South relations in the long term. Another solution is for the North and the South to have special relations. This means that northerners in the South do not need to take southern citizenship but will be treated equally with their southern counterpart. This should also apply to southerners in the North.

In the special relations northerners and southerners may not need a passport to cross their common international borders either by air, land or sea. As part of the special relations peaceful co-existence should be for dividends to the North and the South. Finally, the North and the South have a lot to gain by being good neighbours in harmony with each other. People need to move on from conflicts of the past to the future of opportunities to turn the region into a land of prosperity for all. The masses both in the North and the South have the same basic needs for a better and higher standard of living. This is the challenge to the North and the South. Nonetheless it is hoped common sense will prevail.<sup>180</sup>

The second critical issue is the Abyei question. Located between Northern Bahr al Ghazal, Warrap and Unity states to the South and Southern Kordofan to the North, Abyei is geographically, ethnically and politically caught between North and South. It is home to the Ngok Dinka, while Misseriya nomads migrate seasonally through the territory. The Misseriya belong to a group predominantly Arab Muslim, named Al Baggara. The Dinka Ngok belongs ethnically and racially to the South, and are predominantly Christian. Abyei has long been and remained a flash point, where land, nomadic grazing rights, security and oil contribute to volatility. By way of a protocol, the CPA granted the disputed territory special administrative status under the presidency and its own January 2011 referendum to decide whether to continue that status within the North or become part of the South which is now postponed indefinitely. Just as Abyei threatened to spoil CPA negotiations in 2004, it became clear the issue might prevent an agreement on post-independence arrangements if left unresolved.<sup>181</sup>

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<sup>180</sup> IRIN, South Sudan: Briefing on Jongeil Violence, Humanitarian News and Analysis, 2012

<sup>181</sup> Rebecca Fordham in South Sudan, *UNICEF Supports Women Who Take the Lead in Local Peace Building*, UNICEF, 2012

Moreover, Misseriya feared that secession of the South possibly including Abyei could result in a loss of grazing rights, thereby threatening their way of life that was practiced for centuries. Some in Khartoum have stoked such concerns and encouraged the Misseriya to fight for participation in the Abyei referendum. The conflict involves the Dinka Ngok ethnic groups supported by the SPLM and the Misseriya ethnic groups supported by the government of Khartoum. The two groups compete over which has rights to the territory and essentially the right to grazing and water resources. While conflicts between these groups were managed relatively successful in the past through customary land tenure systems, this is less and less the case today as a result of larger herds, reduced water and pasture, instability and prejudices stirred up by the war, and a proliferation of arms among herders. In addition, patron-client politics, weak natural resource management and development policies, and top-down government institutions have encouraged ethnic polarization and social divisions.<sup>182</sup>

Moreover, the Abyei issue is considered the key point to a lasting peace between North and South Sudan. Abyei is a fertile region that has oil deposits between North and South Sudan. However, Abyei's future is very much up in the air, and observers worry the region could again erupt in civil war. Fear is pushing the Ngok Dinka, the town's dominant ethnic group, to consider declaring Abyei part of the South, even though they know that such a move might provoke the North to try to take Abyei by force. If Abyei's status is left unresolved, the area will be caught between two nations, possibly triggering a return to conflict in Sudan. The 2005 peace agreement, which ended the war, promised the people of Abyei their own referendum on whether to be part of the North or South. The Abyei referendum was supposed to be held simultaneously with the main Southern referendum, but the two sides failed to agree on who was eligible to vote. As a result, the Abyei referendum has been postponed indefinitely. Currently, the situation in Abyei has the potential to degenerate into conventional armed confrontation with increased force mobilization by the armed forces of the North and South. However, there is real concern that the conventional forces can be drawn into a stalemate position and militias and other spoilers are

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<sup>182</sup>Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012



used by both Khartoum and Juba to perpetrate violence in an effort to influence the political situation.<sup>183</sup>

There is still a lot of uncertainty regarding the possibility of holding the referendum in Abyei. The Dinka Ngok had a meeting and issued a statement according to which they would organize their own referendum if it does not take place and they would not allow Misseriya groups to use grazing lands. In parallel, the Misseriya have decided to set up their own government. These developments were described as very worrying. Similarly, it was feared that a separate resolution or agreement between the parties on the referendum in Abyei outside of the CPA would create a precedent to deal with other CPA items separately. These potential tensions will require close monitoring and contingency planning by the African Union (AU) early warning bodies in close coordination with relevant regional and international bodies to ensure early warning and early action, might it be humanitarian, security, technical, political or economic. Increased clashes could push relations between NCP and SPLM to breaking point. As the single most volatile post-independence issue between the two CPA parties, the Abyei dispute could block or derail the negotiations.<sup>184</sup>

Following clashes in January 2011 between Missiriya militia forces and a Joint Integrated Police Unit (JIPU) that left over 30 dead, two meetings were organized to improve the situation. The first was held on January 13, 2011 between Missiriya and Ngok Dinka elders to discuss migration routes through the area. The elders agreed in principle that the Missiriya would be allowed to pass through Abyei in search of pastures as long as blood compensation was paid for Ngok Dinka deaths that occurred during the last migration season and migration routes through the area. As of the beginning of March 2011, the Misseriya have offered to pay the compensation, but there is no agreement on the grazing routes<sup>4</sup>. Despite this, Missiriya have continued entering Abyei and are currently grazing their cattle around the Ragaba es Zarga, a

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<sup>183</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>184</sup> Rebecca Fordham in South Sudan, UNICEF Supports Women Who Take the Lead in Local Peace Building, UNICEF, 2012

river running through the territory, approximately 30 km from Abyei town. As they press further south, the absence of a grazing agreement will become increasingly problematic.<sup>185</sup>

Furthermore, hence, nothing guarantees the ethnic groups involved in the Abyei case can be mobilized to secede from South Sudan and create yet another new state, especially since the southern population hopes that secession will bring about a quick improvement in the quality of life and expectation present in most secessionist regions, but one the very young and inexperienced South Sudanese government will find impossible to meet. The conflict between the ethnic groups, government and militias was fuelled by the significant oil reserves developed by foreign companies. This exacerbated the conflict because the huge potential profits increased the incentives for control of the land, resulting in all kinds of human rights violations.<sup>186</sup>

The other critical issue is the border question. Five major border areas are in dispute. The first, and perhaps most potentially explosive, is around the oil-producing region of South Kordofan, Blue Nile and Abyei. The region has yet to decide in a separate referendum whether to join the South or the North. The borders were outlined in a July 2009 ruling by the Permanent Court of Arbitration at The Hague, but demarcation has stalled. At the same time, the northern Misseriya community, largely drawn out of Abyei under the new borders, has denounced the ruling government in the region.<sup>187</sup>

According to SPLM secretary-general, Pagan Amum, four other areas are in dispute. The northern border separating Rank County in Upper Nile from the north's White Nile state, the borderline running north-south between the South's Unity State and the North's Southern Kordofan will determine who controls the Heglig oil field, whether the Bahr al-Arab river forms the exact border between the south's Bahr el-Ghazal and Darfur in the North, and which river forms the exact western-most dividing line between Western Bahr el-Ghazal and Southern Darfur. Again, oil an estimated over 80% of the oil fields are in the South depending on where the border is drawn. The sole export route for the landlocked South is a pipeline running to the

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<sup>185</sup> Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012

<sup>186</sup> Mary K. McCarthy, "Women's Participation in Peace Building: A Missing Piece of Puzzle?" University of Pennsylvania, College Undergraduate Research, *Electronic Journal*, 2011

<sup>187</sup> IRIN, *South Sudan: Briefing on Jongeil Violence*, Humanitarian News and Analysis, 2012

north to Port Sudan on the Red Sea. Under the CPA, the two sides divide proceeds from oil pumped in the south. They will have to negotiate how to share oil revenue, as well as any user fees levied against the south for using the pipeline and refineries. The two parties must also negotiate how to honor current oil contracts.<sup>188</sup>

Nonetheless, governments of Sudan and South Sudan signed in October 2011 an agreement over border security, stipulating the establishment of 10 border corridors to ease the movements of citizens between the two countries, as the Sudan Minister of Defense, Abdul Rahim Mohammed Hussein told journalists, after meeting with his South Sudanese counterpart. This is the first time for the two countries to sign an agreement over the borders since South Sudan independence in July 2011. The Minister disclosed that establishing the corridors aims at easing the interconnection between the people of the two countries, affirming that the concerned parties in both countries will continue their work in the demarcation process. For his part, the South Sudanese Minister of Defense described the meeting as successful adding that it is the first meeting between the two countries to discuss the bordering issues, stating the good relations between the two nations.<sup>189</sup>

### **5.3 South Sudan Women in Post Independence Era**

Despite the official conclusion of the second Sudanese civil war, conflict has persisted across large parts of South Sudan, some of it fuelled from outside the country's ill-defined borders. Local armed conflicts, exacerbated by an abundance of small arms, continue to cost lives and disrupt communities. Men are almost exclusively the perpetrators of the violence, but women, as well as children and the elderly, make up many, and in some cases, the majority of the victims. While the immediate run-up to the independence referendum in January 2011 saw a reprieve in inter-tribal conflict, it resumed almost immediately after the voting.<sup>190</sup> At the same time, rebel militia intensified their challenges to the hegemony of the SPLA and the central government. The inter-tribal violence in 2011–12 has been most widespread and intense in Jonglei, South

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<sup>188</sup> Lam Jok Wai Wuor, *The causes of Sudan's break up and the Future of South Sudan*, South Sudan Net, 2010

<sup>189</sup> Refiloe Joala and Sandra Oder, *Africa: Independence Not Providing Dividends for Women in South Sudan*, All Africa, Pretoria, 2012

<sup>190</sup> Rebecca Fordham in South Sudan, *UNICEF Supports Women Who Take the Lead in Local Peace Building*, UNICEF, 2012

Sudan's largest state. The roots of the conflicts there lie in the rivalry between the Murle tribe of eastern Jonglei and the Lou Nuer of northern Jonglei, with the occasional involvement of the Bor Dinka and other Nuer clans. During the second half of 2011, a series of attacks blamed on the Murle took place in Lou Nuer and Dinka territory throughout Jonglei, including Akobo, Uror, Duk, Nyirol, and Twic East counties, resulting in the deaths of up to 1,000 people and the alleged theft of thousands of cows.

Dozens of women and children were kidnapped in the raids. By early December, the Lou Nuer 'White Army' (loosely organized cattle camp youth) began gathering in Akobo County to organize a revenge attack. On 23 December, up to 8,000 of them attacked the Murle village of Likuangole in Pibor County. Pibor town itself was attacked on 31 December. Estimates of the number of people killed range from the low hundreds to 3,000 people. Witness accounts indicate that women and children made up the majority of the victims or two thirds, according to the Pibor Commissioner's office. One aid worker with an agency that has a presence in Pibor said the killing of women went "beyond stray bullets and collateral damage." He said clinics and hospitals were also deliberately attacked and destroyed. "There's an attempt to destroy everything, including all the facilities that provide public services, everything that provides life." As the victims fled into the bush, they were exposed to new threats, with one clinic in Pibor reporting a "huge increase" in malaria and malnutrition.

Until recently, sexual violence had not been a defining feature of the ethnic violence in South Sudan. This may be changing. After the attack on Pibor, HRW quoted one observer who had seen three dead women who appeared to have been raped. Recent violence has clearly taken a more vicious turn. In a clinic in Nasir, Upper Nile state, where many of the Lou Nuer victims of the Murle assaults were treated, one aid worker said a woman had had her belly sliced open and her unborn child removed.<sup>191</sup> There are also reports of a potential new trend of violence, the targeting of women to the exclusion of all other goals. One high profile Murle representative, interviewed by Small Arms Survey, said some young Murle men had indicated in recent discussions that they were only interested in finding and killing Lou Nuer women. She said: The last time they came back from a raid they didn't even bring cattle. They say they're only after the

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<sup>191</sup> IRIN, South Sudan: Briefing on Jongeil Violence, Humanitarian News and Analysis, 2012

Lou women. They say, “This time is for killing only. Just to revenge on our women. Lou feel pain”. Recent attacks, in which cattle were stolen and children kidnapped, indicate that the sentiment expressed above is not shared by all Murle involved in the violence. However, it is one of the many signs that gender can define women as targets.<sup>192</sup>

#### **5.4 Conclusion**

This chapter observes that since South Sudan’s independence on 9 July 2011, the positive role that women played in the independence struggle barely features in development policy discourse. As in many post-conflict situations in Africa, despite their active role in bringing peace and independence, women tend to fade into the background when official peace negotiations begin and when the consolidation of peace and rebuilding of the economy become formal ventures. Thus the complex ways that gender and development interact in the state-building process have to be appreciated by policy-makers in South Sudan. Theoretically, post-independence South Sudan has provided a framework that aims to bring women to the fore, and the commitment of the government to ceding to international laws in this regard should be applauded. It has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women and has signed the Maputo Protocol, which calls for the protection of women's human rights.

As an African Union (AU) member state, South Sudan has also adopted the AU's Post-Conflict, Reconstruction and Development strategy, which calls for gender main streaming to inform member states’ nation- and state-building projects. With the international spotlight on South Sudan as the country enters its second year of independence, a sustainable development policy will require the full inclusion of women, and while formal national processes are pertinent, the main thrust for political reconstruction invariably rests on local-level involvement and initiatives.<sup>193</sup> South Sudanese women activists and leaders assert that although freedom has not been fully translated into the daily lives of ordinary women, the Central Equatoria state Governor's advisor on conflict resolution, Helen Murshali Boro, stated that 'there is freedom of

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<sup>192</sup>Lam Jok Wai Wuor, The causes of Sudan’s break up and the Future of South Sudan, South Sudan Net, 2010

<sup>193</sup> Sudan Human Security Baseline Assessment (HSBA), Small Arms Survey, 2013

speech to allow women to express themselves and this means women's concerns will not go off the radar until they are addressed in the coming years of the country's independence.<sup>194</sup>

Basic questions therefore revolve around the degree to which the political system recognizes and protects women's rights and interests, and whether women will be empowered to influence and participate in political and economic processes. The numerous priorities and agendas on the table have by default made basic infrastructural development the obvious organizing principle for rebuilding the economy, leaving out consensus building around social relationships, where women strongly feature. Such relationships involve the pre-war and pre-independence position of women as refugees, displaced persons, ex-combatants and breadwinners. This will partly determine their position in the current and future status quo, as it is not always easy to distinguish post-conflict reconstruction from mainstream development, because these may overlap.

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<sup>194</sup> Lam Jok Wai Wuor, The causes of Sudan's break up and the Future of South Sudan, South Sudan Net, 2010

## **CHAPTER SIX**

### **CONCLUSIONS**

Today, the goal is not simply the absence of war in Sudan, but the creation of sustainable peace by fostering fundamental societal changes. In this respect, the study has demonstrated that human security initiative-by making human beings and their communities, rather than states as point of reference-focuses on safety and protection, particularly of the most vulnerable segments of a population. The concept of inclusive security, a diverse, citizen-driven approach to global stability, emphasizes women's agency, not their vulnerability. Rather than motivated by gender fairness, this concept is driven by efficiency. Women are crucial to inclusive security since they are often at the center of non-governmental organizations (NGOs), popular protests, electoral referendums, and other citizen-empowering movements whose influence has grown with the global spread of democracy.

The study has answered the question, after attaining independence are South Sudanese nationalistic? Some may answer in the affirmative that indeed South Sudanese are nationalistic for they couldn't have overwhelmingly voted for secession and independence. On the other hand the study has shown that South Sudanese are not nationalistic but tribalistic. They voted for secession and independence because of the equal suffering endured under the heavy handed Arab colonialism that was utterly dehumanizing and unbearable. After removing the Arab mean colonial actions there is very little that binds South Sudanese together. Unless some visionary revolutionaries produce concepts that are practically unifying, it is difficult to see how South Sudan will not be disunited. Victims of crime do not get justice as their loved ones are murdered in cold blood. The constitution is violated with impunity, for example, when land grabbers violate and commit criminal offense by depriving legitimate land owners of their property.

Worse, the study has shown that still land grabbers beat up and threaten to kill legitimate owners of the grabbed property. The law seems to be hardly enforced. In all this tribalism appears to play a part. There is no way one can conclude with absolute certainty that South Sudanese are nationalistic. The predominant culture seems to be that of greed and tribalism with lip service as part of a careful public relations exercise. Nationalism if any is abstractly remote from the reality on the ground. In conclusion, South Sudanese nationalism in post-independence era is still

abstract and remote. The overwhelming vote for secession and independence was an expression of aggregate rejection of Arab colonialism. There is hardly any evidence that nationalism played a part. Rampant corruption, insecurity, tribalism and nepotism, and tribal conflicts seem to confirm this. Nationalists put the country first with equitable access to resources and services but not self-enrichment and tribal appointment of officials.

However, nationalism can be cultivated and sustained, and the sooner nationalism is cultivated the better for the unity of South Sudan. It is to avoid all the negatives that may contribute to disunity. South Sudanese did not struggle for a nation of their own but were forced to do so in conditions beyond their control. This assertion may not go down well with those who believed that from day one South Sudanese aspirations were totally a nation of their own. Arguably if that was the case South Sudanese would have to exert every effort in nation building. This is because South Sudanese are of diverse tribes, languages, cultures, states and outlook that may easily polarize them. They may be people of one race but this is not enough to instill nationalism as more often loyalty seems to be to one's tribe or clan rather than to nation building for prosperity to all. There is therefore not yet such a thing as South Sudanese nationalism but it can be cultivated.

The study has also shown that while national processes are important and should speak to addressing gaps, South Sudan's current human development challenges are enormous. Today, the country finds itself in the midst of an economic crisis, while humanitarian needs are increasing. The number of refugees, people at risk of statelessness, returnees and internally displaced persons (IDPs) has increased exponentially due to the inter-communal and cross-border clashes that have taken place between August 2011 and July 2012. The number of people facing food insecurity has doubled in 2012. The National Baseline Household Survey released in June 2012 indicates that over half of South Sudan's 8.2 million people live under the poverty line of less than a dollar a day, and the majority of the poor are women. Women also still suffer from the consequences of a gendered war, in which rape was used as weapon of war. Sexual and gender-based violence remains widespread nationwide and affects IDPs, returnees, refugees and host communities alike.



In March 2012 President Salva Kiir's commitment to women's empowerment and gender equality as a central means of achieving development was questioned when he announced the appointment of ambassadors to be deployed throughout the world: of the 90 ambassadors, only nine were women. Also, the Transitional Constitution takes into account the plight of women and sets out to rectify the historical injustices affecting them in several ways. The affirmative action policy that sets the 25% benchmark for women's representation in the public sector mandates all government institutions and agencies to promote women's participation in public life and their representation in legislative and executive organs. Other rights include equal pay for equal work and provisions for maternity leave. Yet despite this, South Sudan still grapples with issues emanating from the tension between customary law and the Transitional Constitution. Traditional practices such as forced early marriages and the handing over of girls as young as nine for marriage as compensation for blood feuds are still in use. With the country having some of the world's worst development indicators, many women in South Sudan are dying while giving life.

In June 2012, Kate Gilmore, assistant secretary-general of the UN Population Fund, reported that in every 100,000 births, over 2,000 women die from preventable causes. This is four times the number of women dying while giving birth in other parts of Africa. Despite their active involvement in the peace-building process that led to the signing of the Comprehensive Peace Agreement in 2005, which gave way to the referendum and the declaration of South Sudan's independence in 2011, the role of South Sudanese women was not meaningfully acknowledged until President Kiir's announcement of a women-inclusive cabinet (however, there were only five women among 29 ministers). Despite this, women's role in the state-building project has not been asserted, nor has it been displayed as an important component of the president's recent decisions. For example, the South Sudanese delegation involved in negotiations with Sudan under the auspices of the Thabo Mbeki-led AU High-level Panel does not include any women. Thus in a country where 65% of the population is female, the most important discourse taking place that will inform South Sudan's future is not nuanced by voices that raise the interests of women, which speaks to how non-inclusive the state-building project is.

Hence, the study has shown that the question of women's roles as active agents of political change needs to be acknowledged as relevant in South Sudan. While hardcore security and development issues are more urgent, an alternative agenda, in particular the discussion on women's engagement and role in post-independence political and economic life, is important. A discussion on women's political rights and roles in post-conflict society cannot be separated from a discussion of their positions before and during the war. The divergent demands on the executive may continue to focus discussions on hardcore security and development issues, and understandably so. In order to modify this path which excludes a deeper understanding of the gendered nature of post-conflict reconstruction and nation-building, as well as women's roles and experiences in the processes of democratization, decentralization and legal reform, and in complex social reconstruction processes women need to feature more prominently in policy discourse.

While such formal processes are necessary and crucial, targeted policies need to take into account the massive social dislocation and disintegration that the country faces. Government needs to allocate resources to provide access to basic services, for this is a precondition not only for South Sudan's survival, but also to enable South Sudanese, and especially female citizens, to contribute to the overall rebuilding process. Also, the role of society and especially of women should not be overlooked, for it is in everyday social interactions that past tensions are acknowledged and dealt with. It is here that a coherent and consistent approach needs to conceptualize women as actors beyond the domestic sphere.

In a country where 70% of children aged 6-17 years have never set foot in a classroom, and adult literacy stands at 27%, the women believe education and employment opportunities need to be prioritized along with community dialogue. Violence and discrimination against women and girls, rooted in cultural norms, traditions and practices, and the destruction of traditional community-based protection mechanisms due to the civil war are all factors that continue to pose challenges in the implementation of child protection programs. The women's training is part of UNICEF's broader approach to strengthen the protective environment for women and children, through capacity development of key actors within the social welfare, legal, and law enforcement systems at a national, state and community level. In the last two years more than 275,000 key

actors in child protection have received information and education on how best to protect children.

The research has indicated that being part of the team of development and decision making provided women with a confidence and pride. They dress better and feel stronger within themselves. They believe the younger generation needs to understand how to live together again for peace. For many of these women, their participation in the teams is the first time they have had an active, recognized role in this kind of group. Members of the team have already successfully mediated between two men, one of whom had a gun, over a small land dispute and between two young men using sticks against each other. The active presence of these local women in conflict resolution is part of a broader peacekeeping effort in South Sudan to promote equal representation and women's leadership.

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