

Recommendations to the EU on implementing the peace agreement

The recently signed Agreement on the Resolution of the Conflict in South Sudan was achieved largely due to a combination of intense pressure from the international community as well as internal pressure from Church leaders. The commitment of South Sudanese leaders to implement the agreement is questionable and requires continued international involvement. The EU should focus specifically on getting the Joint Monitoring and Evaluation Commission (JMEC) established, supporting the constitutional review process and the establishment of the hybrid court. The EU should also use its leverage to increase political space for civil society. Additionally, the EU should target its support at grassroots peace processes based on needs expressed by citizens and ensure any efforts are complementary to existing initiatives.

Peace deal: opportunity for peace

Twenty months of brutal conflict in South Sudan resulted in tens of thousands of civilian casualties and 1.6 million internally displaced persons (IDPs). In their violent power struggle, South Sudanese political and military leaders were indifferent to the well-being of South Sudanese citizens. The IGAD-led negotiation process, and later the IGAD plus process, resulted in a deal after strong pressure from the international community and diplomacy from the South Sudanese Church leaders. The viability and sustainability of the Peace Agreement signed in August is questionable as those responsible for the war are set to rule the country and, though being signatories, have not expressed any ownership over the deal, the latest example being President Kiir's October 2nd decree to subdivide the country into 28 States.¹ In spite of this, the current agreement is an opportunity to work towards peace in South Sudan. It should therefore be fully supported and advanced by the international community.

Need for swift implementation

To make the peace agreement a reality, swift implementation needs to follow, but the relative short timeframe is posing serious challenges. The dire financial and economic situation in South Sudan and reluctance on the part of the South Sudanese leadership further complicate the implementation. One month has passed since the signing of the agreement and implementation is already falling behind. Particularly worrying is that hostilities continue: initially fighting increased and affects also the Equatorias.

EU emphasize constitutional review and transitional justice in JMEC

The European Union, as one of the guarantors of the peace agreement and in its capacity as member of the JMEC, will monitor the implementation of the agreement. All elements of the peace agreement need to be implemented but given the short timeframe, we urge the EU to emphasize the establishment of the JMEC and the constitutional review process, and to support transitional justice based on the South Sudanese context.

¹ However, the legal viability being questionable.

A permanent constitution should address the needs and reflect the aspirations of South Sudanese citizens. This forms a strong basis for legitimate South Sudanese institutions and for elections at the end of the current transitional period. Ending impunity is necessary to break the cycle of violence. Those responsible can be indicted and held accountable through the creation of a hybrid court² and will be banned from running for political office. These are important elements to break the violent power struggle. A first priority should be to protect witnesses of serious crimes.

Shrinking space for civil society

Over the past 20 months of conflict, the crackdown on civil society and the media has intensified. Civil society meetings are no longer possible without prior consent from the security services, who regularly attend these meetings, leading to people being afraid to speak and exchange ideas freely. The number of targeted killings and harassment of journalists as well as closures of newspapers has increased. An alarming indication of the current situation is President Kiir's recent statement that, "*Freedom of the press does not mean that you work against your country. If anybody does not know that this country will kill people, we will demonstrate on them.*"

Support to local peace processes

Throughout the conflict, local peace processes continued at the grassroots level. This peacebuilding work remains important and requires support from the EU and its member states. However, such support should be provided in a way

that is complementary to what is already taking place on the ground and addresses local needs. To avoid duplication of initiatives, a mapping and lessons learned of what is already being done by local and international civil society organisations is essential.

² To be established by the Africa Union, without a timeframe given in the Agreement. While the Agreement is clear on the Court's mandate, and judgments shall be consistent with International Human Rights Law, International Humanitarian Law and International Criminal Law, this should also be informed by South Sudanese practice.

Recommendations

1. The EU High Representative, the EU Special Representative for the Horn of Africa, and individual EU Member States must continue pressuring the South Sudan leadership to ensure proper and swift implementation of the peace agreement;
2. In its capacity as member of the JMEC, the EU, when monitoring the implementation of the agreement, should pay particular attention to the constitutional review and transitional justice as key elements to break the ongoing cycle of violence;
3. The EU should prioritize support to the protection of victims and witnesses of serious crimes – even before a hybrid court is established;
4. The EU High Representative as well as individual EU Member States need to condemn the crackdown on civil society and free media in South Sudan and should use their leverage to increase political space for civil society;
5. The EU should support local peace processes in a meaningful way that is complementary to what is already taking place on the ground and addresses local needs. The EEAS should undertake a mapping of existing initiatives, local capacities and lessons learned, and identify possibilities to strengthen this work rather than duplicate it.

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