

Civil Society Resolution on the Transitional Process in South Sudan

Dar es Salaam, Tanzania

23 November 2023

We, the undersigned representatives of South Sudanese civil society, women's groups, youth groups, persons with disabilities, human rights organizations, survivor groups, and academia, from across South Sudan and the diaspora, gathered in Dar es Salaam, Tanzania from 21-23 November 2023, wish to express our grave concern at the direction that the transitional process is taking in South Sudan. We are entering a highly consequential period that has the potential to crush our young nation, if we do not approach it carefully. Conflict continues to claim lives and displace entire communities, political tensions are running high at all levels, and civilians face major threats from both state and non-state actors. While our citizens struggle with hunger and insecurity, too many of our political and military leaders continue to enrich themselves through the misappropriation of our national wealth. Now is the time to chart a different course for South Sudan. The decisions we make in this period will determine the course that our country takes for many years to come.

As we consider how to collectively address the many challenges that we face, we must be guided by the core values that we hold dear as South Sudanese. In as much as the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) has provided a roadmap to guide a transition from war to peace, our core values must guide our actions during and beyond the life of the peace agreement. There are certain things we can all agree upon. First, we need the killings, abductions, disappearances, torture, and sexual and gender-based violence (SGBV) to stop. Second, we must prevent the recurrence of war in South Sudan. We cannot forge a nation through the barrel of a gun. Third, meaningful peace can only be achieved through inclusive, participatory, and people-centered processes. When given the space to deliberate on how we will coexist peacefully, the people of South Sudan have demonstrated time and again that they have the wisdom and capacity to solve their own problems. Conversely, when decisions are forced upon us by a small political and military elite, it has only generated more violence.

Our people are being asked to make an impossible choice: to either rush ahead with a series of transitional processes that have not been adequately prepared and supported and have the potential to exacerbate conflict, or to accept yet another extension of a transitional arrangement that keeps leaders in power who have failed to deliver sustainable peace to the country. We cannot accept this framing. The constitution-making process, transitional justice, national elections, and other transitional processes provide structures and mechanisms through which to forge a new path for current and future generations. These processes are not simply bargaining chips. They have significance beyond the life of the agreement and must be fully engaged with to deliver the structural changes that are needed to prevent a recurrence of violence. Moreover, these processes are deeply interconnected; they cannot be tackled in isolation or prioritized one over another. These processes serve the core values that we hold dear as South Sudanese and should not be reduced to a series of technical milestones that we pass on our way to the end of the transitional period. Instead, these initiatives should be treated as the start of a process of nation-building that will evolve as future generations of South Sudanese grapple with new challenges and opportunities.

Taking these considerations into account, we the undersigned members of civil society, do hereby resolve the following:

1. **Constitution-Making**: We call for a credible and inclusive constitution-making process anchored in Chapter VI of the R-ARCSS and the Constitution Making Process Act (2022) that will produce a permanent constitution that reflects the values, aspirations, and priorities of ordinary people in South Sudan. The Government of South Sudan should revisit the composition of the National Constitutional Review Commission (NCRC) to conform with the requirements of the Constitution

Making Process Act, proceed quickly with the swearing-in of its members, and adequately resource the institution to carry out its mandate.

We pledge as civil society at the national, state, and local levels to robustly support this process. To this end, we will work with the people of South Sudan to develop a People's Charter outlining the fundamental principles, structures, and norms that must define and guide us as a nation. We will also compile and analyze information from past consultations, including the post-independence constitution-making process, National Dialogue, and the public consultations on the transitional justice process, to help strengthen the capacity of the NCRC and inform the broader constitution-making process.

2. National Elections: We are deeply concerned that the R-ARCSS vision of critical transitional processes culminating in national elections at the end of the transitional period has not delivered results. The country now faces the prospect of an election that is devoid of significant pillars, including basic clarity on the type of government that we will be voting into existence and independent mechanisms to address disputes that may arise before, during, or after elections. Moreover, we are concerned about the apparent political character of the recently established transitional mechanisms, particularly the National Elections Commission (NEC), which is meant to play an impartial oversight role. These concerns notwithstanding, we stand prepared to play an active role in ensuring that core principles of inclusivity, non-violence, and democratic governance are upheld in any future election process and pledge to robustly participate moving forward.

We also echo calls that have been made by other civic groups for the various political parties to urgently convene an inter-party dialogue to forge a unified position on the holding of credible elections based on constitutional clarity about governance structures, powers, and limits and with adequate resourcing, including dedicated funding for the NEC and the Political Parties Council (PPC). We cannot allow the pressure produced by previous delays and inaction to dictate our course of action. This will push us towards a crisis. We need our leaders to demonstrate a spirit of dialogue and compromise, elevate the national interest above any narrow individual or political interest, take steps to deescalate tensions and prevent election-related violence, and lead the country through this difficult period. We also ask the United Nations Mission in South Sudan (UNMISS) to be prepared to quickly deploy peacekeepers to mitigate and respond to any signs of election-related violence. On our part as civil society, we commit to support conflict mitigation efforts and promote robust civic engagement during this period.

While we stand prepared to engage, we are painfully aware of the toll that incomplete and unfinished transitional processes have taken on our people. If the parties fail to successfully complete the remaining tasks by the end of the transitional period, we cannot proceed with business as usual. We must instead consider alternative, guided transitional arrangements that do not replicate the flaws of the current peace process. Most importantly, these arrangements must be based on meaningful and inclusive dialogue with the people of South Sudan. We acknowledge and appreciate the assistance that the international community, particularly the Inter-Governmental Authority for Development (IGAD), African Union (AU), and Troika (US, UK and Norway), have provided to the transitional process thus far. However, for the country to move in the right direction, they must increase their efforts to engage the Government of South Sudan and prioritize the needs and interests of the citizens of South Sudan above those of the political elite.

3. Transitional Justice: We appreciate the progress that has been made in consulting populations across the country on the transitional justice process and articulating a design for two of the three transitional justice institutions provided for in Chapter V of the R-ARCSS. We need to safeguard these gains and invest more into creating an environment that is conducive to truth, justice,

reconciliation, and healing. The Government should not side-line civil society in this process. We have the knowledge, expertise, and networks to help make it a success. Survivor groups should be supported to participate in these processes to make sure that they are responsive to the needs of people that have been most directly impacted by human rights violations. We must also develop more effective mechanisms for securing the participation of internally displaced persons (IDPs) and refugees in the transitional justice process, as well as in the constitution-making process and elections.

To strengthen civic engagement in the legislative process, we call upon the Transitional National Legislative Assembly (TNLA) to hold public hearings on the bills for the Commission for Truth, Justice, and Reconciliation (CTRH) and the Compensation and Reparations Authority (CRA), make any necessary adjustments to the legislation to account for citizen views, and establish the institutions without further delay. We also call upon the Government to finalize and enact the Anti-Gender Based Violence (GBV) Bill, the Women's Empowerment Bill, and the Women and Youth Enterprise Bill, to help engender South Sudan's legal framework and strengthen women and youth rights in the country. We commit to robustly engage in this process at all levels.

We also emphasize the need for a holistic approach to addressing the legacies of violence in South Sudan. Transitional justice processes, like the broader peace process, are deeply interconnected and should not be pursued in isolation from one another. To ensure that the core principles of justice and accountability are upheld, the Government of South Sudan and the African Union (AU) should urgently meet and agree on a way forward for the establishment of the Hybrid Court for South Sudan (HCSS). The Government must also increase its support for the consistent investigation and prosecution of conflict-related crimes through domestic accountability mechanisms and ensure that their outcomes are enforced. The judicial reform process provided for in Chapter I of the R-ARCSS must also be urgently addressed to strengthen the administrative capacity and independence of this vital institution. The judiciary has a key role to play in the transitional context, including as a source of justice and accountability in the context of the transitional processes and as an independent arbiter of electoral disputes. As it stands now, our Judiciary cannot credibly play this role. The AU Transitional Justice Policy (AUTJP) and the African Charter on Democracy, Elections, and Governance can be useful reference points, in this regard.

4. Security Arrangements: While we note that some progress has been made towards completing the formal steps of security arrangements as provided for in the R-ARCSS, we remain concerned that Chapter II of the peace agreement is failing to address the security challenges that we face in this transitional context. We have a ceasefire on paper, but on the ground, state and non-state armed groups continue to pursue their political interests through violence. Politicians are using divide-and-rule tactics on our communities, arming them to fight one another, recruiting child soldiers, and using abhorrent military tactics, including widespread conflict-related sexual violence (CRSV), looting, and destruction of property and livelihoods. These actions have devastating impacts on the social fabric and cannot be allowed to continue.

The meaningful transformation of the security sector in South Sudan is necessarily a long-term endeavor, but it must start somewhere. We call upon the various political formations, armed groups, and factions to embark on a robust process of building trust between soldiers and civilians and adopt a security approach that targets the real threats that South Sudanese face every day across the country. This includes the adequate resourcing of their forces in the field so that they are not forced to rely on civil populations for their basic livelihoods. The parties to the R-ARCSS must also recommit to resolving their differences with non-signatories to the peace agreement through dialogue. We pledge our commitment as civil society to support this process, including by reaching out to non-signatory groups to understand their views on the transitional processes that the country

is undertaking. Our colleagues at the national, state, and local levels, together with civil society leaders in the diaspora, have expertise and relationships that can help to anticipate and mitigate conflict moving forward, particularly in places where soldiers and civilians live in proximity to one another.

5. Civic and Political Space – We must do more to protect and expand civic and political space and guarantee the freedoms of speech and peaceful assembly in South Sudan. The threats, harassment, arbitrary detention, and disappearance of citizens, including freezing the bank accounts of civil society members and organizations for voicing their views on issues of public interest, must stop. Moreover, we must respect the fundamental freedoms of journalists and media organizations to freely report on the transitional process without fear of reprisals.

We call on the Government to demonstrate its commitment to the opening of civic and political space by formally cancelling the order requiring citizens to ask for approval from the National Security Services (NSS) before meeting in public venues, and clearly amending the NSS Act to remove the institution's police powers and reorient it around information gathering, analysis, and advice to the relevant authorities as provided for in the Transitional Constitution. We also ask the Government to unfreeze the bank accounts of civil society organizations, Okay Africa, Foundation for Democracy and Accountable Governance (FODAG), and Organization for Responsive Governance (ORG), and of civil society leaders, Rajab Mohandis, Wani Michael, Jame Kolok and Abraham Awolich, and permit our colleagues living in exile to safely return to the country to lend their knowledge and expertise to the many difficult tasks that we face. Most importantly, we ask that the Government investigate the kidnapping of activists Morris Mabior in Nairobi and Biar Majak Mayol in Juba and immediately inform their families and friends about their whereabouts.

Further, guided by the core values of an inclusive, people-centred, and participatory transitional processes, stopping ongoing violence, averting renewed conflict, and ultimately, securing sustainable peace in South Sudan, we resolve to take the following immediate actions:

6. Civil Society Reference Group on Transitional Processes: We in civil society reflect the differences and sometimes the divisions of the constituencies that we represent. We need to strengthen our capacity to effectively navigate the many difficult choices facing the country, to build consensus, and adjust our common positions around key issues as they arise so that we can forge a united front. We will make more of an effort to include marginalized voices, including people with disabilities, victims and survivors of human rights violations, populations in the peripheries of South Sudan, and civic leaders living in exile, among others. Critically, we must find ways of bridging civil society organizations at the national, state, county, payam, and boma levels, each of which has a unique and important contribution to make to the discussion.

To better position ourselves to make a constructive contribution to the many difficult challenges that our country faces in the current context, we are constituting a fully inclusive and broad-based Civil Society Reference Group as a means of supporting civil society engagement in the transitional process. We will engage with all parties in the Revitalized Transitional Government of National Unity (R-TGoNU), state, and non-state actors to disseminate this Resolution and initiate collaborative approaches to realize our collective goals. We will also initiate robust civic education and public sensitization activities to disseminate the Resolution and operationalize our strategies for enhanced public ownership of the transitional processes. In the coming weeks, we will convene a follow-up meeting for civil society to discuss the details.

This Resolution represents not just our deep concerns about the direction that the transitional process has taken, but also our unwavering commitment to a peaceful, inclusive, and prosperous future for our country.

We call upon all stakeholders, both within and outside our borders, to support these efforts, recognizing that the stability of South Sudan is integral to peaceful coexistence in the region. Together, with a spirit of unity, resilience, and determination, we can turn the challenges of today into the foundations of a stronger and more just nation for all South Sudanese. Let this declaration be a call to action and a beacon of hope for our nation, as we embark on this critical journey of transition and transformation.

South Sudanese Signatories:

- 1 Abyei Civil Society Organizations
- 2 Abyei Women's Empowerment Organization
- 3 Action Across Community
- 4 Action for Conflict Resolution
- 5 Action Girl Africa
- 6 Africa Child Care Nation
- 7 Africa Development Aid
- 8 African Leaders and Reconciliation Ministries
- 9 African Youth Action Network
- 10 Alliance for Land Rights in South Sudan
- 11 Ana Taban
- 12 Assistance Mission for Africa
- 13 Aweil Civil Engagement Center
- 14 Center for Inclusive Governance, Peace and Justice
- 15 Christ Mercy Service
- 16 Christian Vision Organization
- 17 Community Empowerment for Progress Organization
- 18 Community Organization for Peer Educator
- 19 Crown the Woman
- 20 Detcro
- 21 Dialogue and Research Initiative
- 22 Eastern Equatoria State Civil Society Network
- 23 Eve Organization for Women's Development
- 24 Good Samaritan Agency
- 25 Greater Pibor Administrative Area Civil Society
- 26 Hagiga Initiative
- 27 Hope Foundation for Development
- 28 Human Must Access Essentials
- 29 Integrated Health and Development Organization
- 30 Intrepid South Sudan
- 31 Jonglei State Civil Society Network
- 32 Juba Mirror News
- 33 Justice Advisory Group
- 34 KaiKai Women and Youths Association
- 35 Kakuma Refugees for Advocacy
- 36 Lakes State Civil Society Network

- 37 National Relief and Development Corps
- 38 National Survivors and Victims Network
- 39 Network of Aids Service Organizations in South Sudan
- 40 New Vision for Sustainable Development
- 41 Opportunities for South Sudanese Initiative
- 42 Peace and Discrimination Empowerment Organization
- 43 People Demand Organization
- 44 People's Coalition for Civil Action
- 45 Red Card Movement
- 46 Remembering the Ones We've Lost
- 47 Resilience Organization
- 48 Royal Aid for Development
- 49 Senior Youth of South Sudan
- 50 Social Economic Empowerment Drive
- 51 Solidarity Association for Rehabilitation and Recovery Affair
- 52 Solidarity Ministries Africa for Reconciliation and Development
- 53 South Sudan Action Network for Small Arms
- 54 South Sudan Civil Society Alliance
- 55 South Sudan Civil Society Forum
- 56 South Sudan Coalition on Defense of Civil Space
- 57 South Sudan Community Based Organization
- 58 South Sudan Democratic Engagement, Monitoring and Observation Programme
- 59 South Sudan Human Rights Defenders Network
- 60 South Sudan Human Rights Defenders Network-Warrap State
- 61 South Sudan Human Rights Defenders Network-Western Equatoria State
- 62 South Sudan National Deaf Children and Youth
- 63 South Sudan Network for Democracy and Elections
- 64 South Sudan Peace Coalition
- 65 South Sudan Women's Coalition for Peace
- 66 South Sudan Women's Empowerment Network
- 67 South Sudan Youth Organizations Coalition
- 68 South Sudan Youth, Peace and Development Organization
- 69 Standard Action Liaison Force
- 70 Steward Women
- 71 Support for Women in Governance Organization
- 72 Support Women Initiative for Progress Organization
- 73 Transitional Justice Working Group
- 74 Union of Journalists of South Sudan
- 75 Union of Persons with Disabilities
- 76 Vision South Sudan
- 77 Voice for Change
- 78 Warrap State Civil Society Alliance
- 79 Western Bahr-el-Ghazal Civil Society Network

- 80 Widows and Orphan Charitable Organization
- 81 Women Action Society for Development, Peace and Justice
- 82 Women Empowerment for Reconciliation and Development
- 83 Women for Justice and Equality
- 84 Women's Vision

Regional and International Signatories in Solidarity:

- 1 African Diaspora Network
- 2 Africans for the Horn of Africa
- 3 Africans Rising
- 4 Afrikki - Pan University for Citizen Engagement
- 5 Amnesty International
- 6 Center for the Study of Violence and Reconciliation
- 7 Freedoms Movement - Uganda
- 8 Human Rights Watch
- 9 International Center for Transitional Justice
- 10 Kongamano la Mapinduzi - Kenya
- 11 Lucha - DRC
- 12 Mzalendo Halisi Foundation - Kenya
- 13 Pan-African Lawyers Union
- 14 Pathways for Women's Empowerment and Development/Integrated Agricultural Training Center
- Cameroon
- 15 Ras Le Bol - Congo-Brazzaville
- 16 Regional Network on Peace and Security
- 17 Team Gom Sa Bopa - Gambia
- 18 Y'en a Marre - Senegal