

**“In Solidarity with the people of South Sudan”
High-Level Civil Society Seminar**

Addis Ababa, 18 January 2016

Time: 14:00– 17:30

Context

South Sudan is slowly emerging from a brutal two-year civil war. The war has been disastrous for civilians, causing a severe loss of life, forced displacement, the destruction of their livelihoods and the fracturing of society’s fabric. Though the warring parties signed a peace agreement with extensive support from the regional and international community, it is a fragile peace. The country and its partners in Africa must strengthen their resolve to work against the many countervailing forces that are working to undermine this fragile peace.

South Sudanese civil society organisations are keen to do their part to inform fellow citizens about the peace agreement and to support its implementation on the ground. But numerous challenges stand in their way, among which two stand out in particular. First is that Government of South Sudan has become increasingly intolerant to public criticism of its actions from local organisations, and has put strong pressure on the media to not public any articles that are critical of the government’s commitment to the implementation of the peace agreement. Secondly, there is a sense of collective uncertainty among many local civil society organisations as to when and how they can leverage their ability to conduct advocacy on behalf of citizens. Many are waiting for the official formation of the Transitional Government of Unity, now expected to occur on 22 January; others are keen to await the full operationalization of the Joint Monitoring and Evaluation Commission (JMEC) as a sign of stability before they can proceed.

Yet civil society’s role in shaping the implementation of the peace agreement, the work of JMEC and the transitional government is as crucial as ever. It is within this context that this seminar is based.

Rationale

The primary responsibility for lifting South Sudan out of war and into a collective effort of national healing, peace and progress rests with its people and especially its government. Nevertheless, the role of the African Union (AU) to assist South Sudan with moving from a divided past to a shared future is critically important. As a multi-lateral institution, the AU is in a unique position to rally the capabilities, support and resources of the African continent to support South Sudan in the transition to peace. Even more, it has a moral, political and legal obligation to ensure that peace, accountability and justice are achieved as complementary initiatives in post-conflict South Sudan.

This is why the time is ripe for a strong and proactive engagement between South Sudanese and pan-African civil society organisations to engage with AU policymakers to shape the AU’s policy towards the implementation of the peace agreement in 2016. Thus the purpose of this seminar is to:

- Present the AU with a new range of civil society voices from across Africa that can pull from their experiences on peace, reconciliation and transitional justice to put forward clear policy recommendations to AU policymakers;

- To demonstrate strong solidarity with South Sudanese civil society organisations, who have faced enormous challenges to take part in the implementation of the peace agreement, by advocating for their inclusion in the AU's efforts to support peace;
- To propose to AU policymakers a way forward for its engagement with South Sudan in 2016 and specific proposals for how the AU can use its capabilities and mandate to strengthen the fragile peace and to provide support to South Sudanese citizens.

The utility of this solidarity panel will be its ability to bring in fresh views on the peace efforts in South Sudan from civil society luminaries who are from African countries that have also passed through moments of transition in their recent histories. Panellists will endeavour to show that peace in South Sudan is a concern not just for South Sudanese, but for civil society throughout the continent who are keen to build solidarity with South Sudanese as a way to communicate to the AU that its leadership is needed to bring peace and stability to the country. It will be an occasion for these pan-African civil society representatives to discuss the ways in which justice can mesh with truth and reconciliation, how healing and accountability go hand-in-hand, and how humanitarian access to people in need can bolster civilian protection.

Objectives

The main objective of this seminar is to enable South Sudanese and non-South Sudanese civil society representatives to contribute to the AU's policy towards the implementation of the peace agreement in South Sudan ahead of the AU Heads of State Summit in January 2016 by addressing issues of accountability and justice, reconciliation, peace-building, civilian protection, humanitarian access and the protection of the civil society space.

Expected outcomes

The primary expected outcome of this seminar is for AU policymakers to endorse the key recommendations proposed by civil society panellists, and for the AU to acknowledge its crucial role in supporting South Sudan's peace efforts by developing a specific strategy to guide its involvement in the coming year, which includes leading on the establishing of key transitional justice mechanisms such as a hybrid judicial court.

Featured panellists

- **David Deng** – the Research Director of the South Sudan Law Society, a civil society organisation with extensive experience on transitional justice and accountability. Mr. Deng has recently completed research survey with UNDP of local South Sudanese perceptions and attitudes towards justice and accountability.
- **Betty Kaari Murungi** – the outgoing board chair of the Akiba Uhaki Foundation. Ms. Murungi is a lawyer by profession, with expertise in international human rights law and transitional justice. Ms. Murungi is the former Vice-Chairperson of the Truth, Justice and Reconciliation Commission of Kenya and a former Advocate of the High Court of Kenya. She has been affiliated with the Truth and Reconciliation Commission in Sierra Leone, and the East African Centre for Constitutional Development in Uganda.
- **Yasmin Sooka** – South African human rights lawyer and the Executive director of the Foundation of Human Rights in South Africa. Ms Sooka is currently serving as the inaugural George Soros Visiting Chair at the School of Public Policy at Central European University(

CEU) in Budapest. She was appointed by the Secretary General to the United Nations in July 2015 to serve on a panel investigating Allegations of sexual abuse in the Central African Republic by French Peacekeepers. Prior to joining the Foundation, Ms Sooka was a member of the Truth and Reconciliation Commission in South Africa for three years; first serving as Deputy Chair to the Human Rights Violations Committee and later as the chair of the same Committee. Between 2002 and 2004 she was appointed by the UN as an international commissioner for the Truth and Reconciliation Commission of Sierra Leone. Ms Sooka has also served as a member of the Secretary General's Panel of Experts looking into allegations of war crimes in Sri Lanka. She has also consulted and assisted a number of governments on issues of transitional justice. She currently chairs the Centre for Conflict Resolution in South Africa and is a member of the Board of Trustees of the Universal Rights Group.

- **Arnold Tsunga** – the Africa Director for the International Commission of Jurists (ICJ) in Johannesburg. Mr Tsunga previously served as the Executive Director of Zimbabwe Lawyers for Human Rights, the Executive Secretary of the Law Society of Zimbabwe, the National Chairperson of the Zimbabwe Human Rights Association and Vice President of the International Federation for Human Rights (FIDH). Mr. Tsunga is one of Africa's leading human rights lawyers, and was acknowledged for his efforts to defend human rights in spite of threats to his life with the prestigious Martin Ennals Award for Human Rights Defenders in October 2006.

Key issues for discussion

Reflecting the main objective of the seminar, the panellists will address these key issues:

- The establishment of an AU-led hybrid court and other transitional justice mechanisms such as a Truth, Healing and Reconciliation Commission based on the experiences from other African countries such as Uganda and South Africa;
- The nexus between peace and accountability, examining whether accountability can act as an impetus for peace or if peace must first be achieved at all costs, and how accountability can be linked to peace efforts in a way that is transparent for all stakeholders;
- The protection of civilian and access to humanitarian assistance, examining mechanisms during the transitional period as well as in post conflict
- The role of civil society in the implementation of the agreement, including the need for civil society organisations to operate freely and without restrictions, their role in the documentation of evidence for an eventual hybrid court and their ability to aid the JMEC in its mandate to oversee the implementation of the agreement.

Participants

Participants will include senior, high-level, AU policymakers from within the AU Commission such as AU Legal Counsel, the Peace and Security Department, the AU Chairperson's office and the Department of Political Affairs. Ambassadors from the AU Peace and Security Council will also be invited to take part in the event, as well as foreign diplomatic missions and civil society representatives based in Addis Ababa.

AGENDA

13:30 – 14:00 **Registration**

Moderator: Arnold Tsunga, Africa Director for the International Commission of Jurists (ICJ)

SESSION ONE – Introductory Remarks

14:00 – 14:15 Introductions and presentation of objectives: **Arnold Tsunga, Moderator**

14:15 – 14:30 Welcome Address by **Omayma Gutabi, Pan Africa Rights in Crises Campaign Manager Oxfam International Liaison Office to the African Union**

SESSION TWO – Presentations

14:30 – 15:00 *Transitional Justice and Sustainable Peace: Yasmin Sooka, Executive Director of the Foundation for Human Rights in South Africa*

15:00 – 15:30 *South Sudan Perspective on Transitional Justice and Accountability: David Deng, Research Director for the South Sudan Law Society (SSLS)*

15:30 – 16:00 *Justice and Reconciliation: Comparative experiences of Kenya and Sierra Leone, Kaari Murungu, former Vice-Chairperson of the Truth Justice and Reconciliation Commission of Kenya*

16:00 – 17:00 PLENARY – Q & A

SESSION THREE – Closing and way forward

17:00 – 17:20 Presentation of key recommendations and endorsement of seminar briefing paper, **Arnold Tsunga**

COFFEE/TEA /SNACKS

17:30 – 18:00 **PRESS BRIEFING** for local and international media