



CIVIL SOCIETY SPOTLIGHT REPORT ON SDG16

REPUBLIC OF SOUTH SUDAN



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© V4G and South Sudan CSPPS Country team
Juba South Sudan



**CIVIL SOCIETY
PLATFORM**
FOR PEACEBUILDING
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1. Acknowledgement

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EXECUTIVE SUMMARY

The South Sudan Vision 2040 envisages a united, peaceful, and prosperous nation with a robust democratic governance system. It emphasizes the importance of sustainable development, human rights, and the rule of law. The Constitution of South Sudan provides the legal framework for governance, emphasizing the protection of human rights, the rule of law, and democratic principles. In 2017, IGAD convened The High-Level Revitalization Forum (HLRF) to reinvigorate the peace process in South Sudan. This forum brought together various stakeholders, including government representatives, opposition groups, civil society organizations, and international partners. The outcome of these inclusive consultations was The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) which is a comprehensive peace framework established to address the ongoing conflict and instability in South Sudan. This agreement, signed on September 12, 2018, under the auspices of the Intergovernmental Authority on Development (IGAD), emerged as a response to the failure of the initial 2015 peace agreement. The R-ARCSS aims to facilitate lasting peace by addressing the root causes of the conflict through power-sharing, security arrangements, and institutional reforms. The R-ARCSS, which outlines key provisions for power-sharing, security integration, humanitarian assistance, economic reforms, and the establishment of transitional justice mechanisms.

The R-ARCSS supports the existing frameworks (The constitution and Vision 2040) by laying the foundation for peace, justice, and strong institutions, which are critical for achieving the long-term goals outlined. The R-ARCSS, through its provisions for institutional reforms and transitional justice, reinforces the constitutional mandate to uphold justice and ensure accountability. By aligning with both the Vision 2040 and the Constitution, the R-ARCSS aims to create a stable and inclusive environment with an aim of promoting peaceful and inclusive societies, that ensure access to justice for all, and building effective, accountable, and inclusive institutions at all levels as outlined in the SDG 16. The R-ARCSS aligns closely with these objectives through its comprehensive approach to addressing the conflict in South Sudan.

The establishment of the Commission for Truth, Reconciliation, and Healing (CTRH) and the Hybrid Court for South Sudan under the R-ARCSS addresses the need for transitional justice mechanisms. These institutions are crucial for promoting the rule of law and ensuring equal access to justice for all, aligning with SDG 16.3 and 16.6. Despite the comprehensive framework provided by the R-ARCSS, implementation has faced several challenges, including political disagreements, lack of resources, and continued sporadic violence. Overcoming these challenges requires strengthened political will, adequate funding, and fostering inclusive dialogue among all stakeholders.

The Voluntary National Review (VNR) process plays a vital role in independently monitoring progress towards achieving the Sustainable Development Goals (SDGs). It provides an opportunity for nations to showcase their achievements, share experiences, and highlight challenges in sustainable development efforts. This report is centered on SDG 16, which champions Peace, Justice, and Strong Institutions. As a signatory to the 2030 Agenda for Sustainable Development, South Sudan has dedicated itself to the VNR process. This report aims to critically evaluate the efforts made by South Sudan in advancing peacebuilding, ensuring access to justice, and strengthening governmental institutions under SDG 16. By shedding light on both achievements and challenges and recommendations, the report seeks to inform stakeholders and decision-makers, facilitating informed policy-making and fostering greater accountability in national development strategies. This presents the citizens of South Sudan with an invaluable opportunity to meaningfully participate in development discourses and processes.

2. Objectives

1. To Strengthen the link and coordination between the relevant line ministries, development partners and civil society Organizations
2. Create Public Awareness on the Voluntary National Review Process and the importance of public participation in the process.
3. Empower community members, civil society, academia and government officials at national and sub-national levels for meaningful participation in the VNR process.
4. Produce spotlight report to provide alternative and credible perspective on South Sudan's progress towards achieving the SDG16 and provide actionable recommendations.

3. Methodology

The methodology employed in this spotlight report combines qualitative and quantitative approaches to provide a comprehensive and credible assessment of South Sudan's progress towards SDG 16 that include; desk review of relevant documents, consultations and citizens' perception survey. The consultative meetings were held with government representatives and civil society members including, faith based groups, women, youth, persons with disabilities and academia. The consultation meetings were conducted in Juba on 20th and 21st June/2024 South Sudan.

In addition, a desk review was conducted to analyze existing documents, reports, and data from various sources, including government, policies, laws, reports, publications, academic research, and reports from UN agencies and NGOs. This was complemented by a citizens' perception survey designed to collect public perceptions and experiences related to peace, justice, and institutional effectiveness. Data from both the consultative meetings, desk review and the survey were synthesized to identify key themes, trends, and gaps, and the findings were consolidated and validated through stakeholders' meeting.

4. INTRODUCTION

The Voluntary National Review (VNR) process - integral to the United Nations 2030 Agenda for Sustainable Development - enables countries to evaluate and report their progress toward achieving the Sustainable Development Goals (SDGs). Globally, the VNR process is recognized for promoting accountability, peer learning and international cooperation. Since the adoption of the SDGs in 2015, over 170 countries have presented their VNR reports at the High-Level Political Forum (HLPF) on Sustainable Development. These reviews provide a platform for countries to share their achievements, challenges and lessons learned in implementing the SDGs, thereby fostering a collaborative global effort toward sustainable development. This study augments a participatory, inclusive and credible aspects of the VNR process in South Sudan, drawing on global trends and specific examples.

Inclusivity and participation are at the core of the SDGs, reflecting the 2030 Agenda's commitment to ensuring that no one is left behind and that all segments of society contribute to development. To achieve this, countries worldwide have adopted various approaches to encourage broad participation in their Voluntary National Reviews (VNRs). For example, Mexico held extensive consultations involving federal and local governments, civil society, academia and the private sector through regional meetings and online platforms. Meanwhile, Finland used 'Your Finland,' an innovative online platform, to directly engage citizens and gather diverse public perspectives.¹

Credibility and transparency are essential for the effectiveness of the VNR process. Countries are encouraged to base their reviews on reliable data and evidence, providing transparent assessments of their progress and challenges in achieving the SDGs. Globally, efforts to improve data collection and management have been crucial. Colombia, for instance, developed a robust SDG monitoring system that integrates data from various sources to ensure accurate reporting. Bangladesh strengthened its national statistical system through capacity-building initiatives and partnerships with international organizations. Similarly, Germany's open data policy, which makes all VNR-related information publicly accessible, enhances transparency and builds trust among stakeholders involved in advancing the SDG agenda.²

South Sudan civil society strongly believes that, the Voluntary National Review (VNR) process is essential for evaluating progress towards SDG 16, focusing on fostering peaceful and inclusive societies. Since gaining independence in 2011, the country has faced formidable challenges, including political instability, armed conflict, and humanitarian crises, which have severely hindered its development. The VNR serves as a critical mechanism for South Sudan to assess achievements, identify persistent challenges, and reaffirm commitments within the global SDG framework.

South Sudan Country Team- CSPPS focus to shed light on sustainable development goal 16 which aims to achieve inclusive peace, justice and strong institutions owing to its relevance to the country's priorities for transition to stable democracy.

¹ [https://one.oecd.org/document/DCD/DAC/AR\(2024\)3/22/en/pdf](https://one.oecd.org/document/DCD/DAC/AR(2024)3/22/en/pdf)

² https://sustainabledevelopment.un.org/content/documents/294382021_VNR_Synthesis_Report.pdf

5.0. Peace

5.1. Key progress

5.1.1 Peace Agreements

Despite facing internal conflicts, South Sudan has managed to sign peace agreements that have aimed at resolving political disputes and promoting stability. The signing of the Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) in 2018 paved the way to finding a lasting political resolution to the conflict and building a peaceful, just and inclusive society, as expressed in SDG 16. Chapter 5 of the R-ARCSS provided for the establishment of Hybrid Court for South Sudan (HCSS), the Commission of Truth Reconciliation and Healing (CTRH) and Compensation and Reparation Authority (CRA). These institutions provide mechanisms for addressing the justice and reconciliation needs of the people.³

5.1.2 Peace Mechanisms Established

The establishment of various peace mechanisms in South Sudan, such as the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC), Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), Joint Defence Board (JDB), Strategic Defence and Security Review Board (SDSRB), National Pre-Transitional Committee (NTC), Tri-lateral Taskforce, and Ministry of Peace Building, signifies a concerted effort to monitor, evaluate, and oversee the implementation of peace agreement. These mechanisms play a crucial role in ensuring compliance with ceasefire agreements, disarmament processes, security sector reforms, and overall peacebuilding efforts⁴.

5.1.3 Participation of Women

The inclusion of women by 35% in governance and peace processes is essential for promoting gender equality, empowering women, and ensuring that their perspectives are integrated into decision-making processes.⁵ Women's participation not only enhances the legitimacy and sustainability of peace agreements but also contributes to addressing gender-specific issues such as sexual violence in conflict zones.

5.1.4 Unification of Forces

The unification of armed forces from different factions is a critical step towards building a unified national army that represents all segments of society. By integrating former combatants into a single cohesive force, South Sudan aims to prevent internal conflicts, enhance security sector governance, and promote national unity.⁶ Hundreds of former rebels and government troops in South Sudan's unified forces were deployed at a long-overdue ceremony on 15th November 2023, marking progress for the country's lumbering peace process.

³ <https://www.usip.org/south-sud%C3%A1n-peace-process-key-facts#:~:text=The%20IGAD%20peace%20process%20began,agreement%20talks%20until%20November%202015.>

⁴ <https://www.jmeccsouthsudan.com/index.php/press-release?start=84>

⁵ Chapter 1 Revitalized Agreement for Resolution of the Conflict in South Sudan.

⁶ <https://www.africanews.com/2023/11/15/south-sudan-deploys-first-unified-forces-after-peace-deal//>

5.1.5 Demilitarization of Civilian Areas and Facilities

South Sudan has shown progress in demilitarizing civilian areas and facilities as vital step for protecting civilians from violence, ensuring their safety, and creating an environment conducive to peaceful coexistence. This measure helps build trust between communities and security forces while reducing the risk of human rights abuses.

5.1.6 Consensus on the National Defence Whitepaper

Agreeing on a national defence whitepaper has been reached by the parties to the agreement in South Sudan to provide a strategic framework for defining the country's defense policies, capabilities, and priorities.⁷ This consensus ensures clarity on defense objectives, resource allocation, and operational planning within the context of broader peacebuilding efforts.

5.1.7 National Action Plan 1 Developed (NAP)

South Sudan adopted its first National Action Plan (NAP) in 2015 for the period 2015-2020. The NAP was developed by the Ministry of Gender, Child and Social Welfare (MGCSW) through a participatory process that included broad consultations with various peace and security stakeholders and supported by UN Women. Additionally, the United Nations Mission in South Sudan (UNMISS) acted as the co-chair of the development process, collecting and harmonizing views from government institutions, development partners, United Nations agencies, civil society organisations, women's groups and religious and traditional leaders.⁸ The development of a National Action Plan outlines specific steps, timelines, responsibilities, and resources needed to implement peace agreements effectively. NAPs serve as roadmaps for translating peace agreements into tangible actions on the ground while monitoring progress towards sustainable peace.

5.1.8 National Dialogue Process Conducted

The National Dialogue was announced by President Kiir on 14 December 2016 and officially launched on 22 May 2017. Whilst initiated and launched by the President, the National Dialogue was not a government owned process, but a bottom up process owned and led by South Sudanese.⁹ The National Dialogue was both a forum and process through which the people of South Sudan gathered to redefine the basis of their unity as it relates to nationhood, redefine citizenship and belonging, restructuring the state and renegotiate social contract and revitalize their aspirations for development and membership in the community of nations. For this to be realized, the process of National Dialogue must be seen as credible, genuine, and open to all South Sudanese and it should have reliable guarantees for its outcomes to be accepted and implemented. Conducting a national dialogue process allows diverse stakeholders to engage in inclusive discussions on key issues affecting the country's stability and reconciliation. Much as the outcomes of the National Dialogue are yet to be implemented, the process and the recommendations set the precedent for a participatory approach for fostering social cohesion, addressing grievances, building consensus on contentious issues, and promoting national unity.

⁷ <https://africacenter.org/wp-content/uploads/2018/07/NSSD-WORKING-DRAFT-SOUTH-SUDAN.pdf>

⁸ <http://1325naps.peacewomen.org/index.php/south-sudan/>

⁹ <https://globalcompactrefugees.org/sites/default/files/2021-11/Guide%20on%20the%20National%20Dialogue%20Process%20in%20South%20Sudan.pdf>

5.1.9 Involvement of Civil Society in the Peace Process

South Sudan is one of the countries that has been hit by internal conflict since its independence in 2011. This article basically describes the involvement of civil society in peace negotiations in South Sudan. Using the literature study method and through the concepts of civil society and peace, this article reviews and analyses the extent to which local civil society is involved in the peace negotiation process in South Sudan. This article has a finding that civil society participation in peace efforts in South Sudan is quite high, but not significant. Engaging civil society organizations in peace processes enhances transparency, accountability, and inclusivity by amplifying the voices of marginalized groups. Civil society plays a crucial role in advocating for human rights protection, social justice initiatives, conflict resolution strategies, and monitoring the implementation of peace agreements.¹⁰

5.2.0 Challenges

Efforts to consolidate peace in South Sudan face numerous challenges that hinder progress towards sustainable peace and stability in the region. These challenges include:

5.2.1 Inadequate Political Will

South Sudan faces significant hurdles in implementing the 2018 peace agreement, attributing the setbacks to a lack of political will. The delay in transitional justice, particularly the establishment of the Hybrid Court to address crimes against humanity since 2013, remains a pressing concern. Observers link the success of the December 2024 elections to the effective execution of the Revitalised Peace Agreement. General Charles Gituai, Chairman of the Joint Monitoring and Evaluation Commission (JMEC), emphasizes the need for unifying forces, crafting a permanent constitution, and ensuring free, fair, and credible elections.¹¹

One of the primary obstacles to peace consolidation in South Sudan is the lack of genuine political will among key stakeholders to fully commit to the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). Without strong political will from all parties involved, the peace process is at risk of stalling or collapsing.

5.2.2 Limited Resources (Funding)

The insufficient allocation of resources, both financial and logistical, poses a significant challenge to the effective implementation of peace agreements in South Sudan. Without adequate funding, key programs aimed at promoting reconciliation, demobilization, and reintegration may not be successfully carried out.

5.2.3 Incomplete Security Arrangements

The incomplete security arrangements, including issues related to the integration and training of security forces, disarmament processes, and demilitarization efforts, create vulnerabilities that can undermine peace consolidation efforts in South Sudan.¹²

¹⁰https://www.researchgate.net/publication/362217391_Civil_Society_and_Peace_Local_Civil_Society_Engagement_in_South_Sudan's_Peace_Efforts#:~:text=far%20as%20civil%20society,Conflict%2C%20Peace%2C%20South%20Sudan.

¹¹<https://hornobserver.com/articles/2554/South-Sudans-lack-of-political-will-to-peace-puts-country-at-further-risk>

¹²<https://sudantribune.com/article57269/>

5.2.4 Inter-Communal Conflicts

Deep-rooted inter-communal conflicts within South Sudan exacerbate tensions and pose a threat to the overall peace process. These conflicts often stem from historical grievances, competition over scarce resources, and ethnic divisions, making them challenging to resolve. The number of people affected by violence in South Sudan surged by 35 percent in the last three months of 2023 due to intercommunal conflict, the United Nations has said. The UN Mission in South Sudan (UNMISS) documented 233 incidents of violence affecting 862 people.¹³

5.2.5 Proliferation of Arms

A legacy of civil wars, armed violence and insecurity in South Sudan has driven a demand for small arms and ammunition. The evolution of armed violence and insecurity and the proliferation of small arms and light weapons (SALW) in South Sudan are closely linked to the security context – which is marked by an excess of armed groups, ethnic and tribal militias, local self-defence groups, and widespread ownership of firearms among cattle herders and young people. Small Arms assessment conducted in 2016 shows that civilians hold between 232,000–601,000 firearms (median 397,000). There is strong reason to think that the higher figure (601,000) is more accurate, since it is believed that some areas not surveyed (such as Unity, Upper Nile, and Eastern Equatoria) may have higher proportions of arms-holding households than the median of surveyed areas.¹⁴ The widespread availability and circulation of small arms and light weapons contribute to insecurity and violence in South Sudan. The proliferation of arms makes it difficult to establish a stable environment conducive to peacebuilding activities.

5.2.6 Holdout Groups

The presence of armed groups that have not signed onto the peace agreements, commonly referred to as holdout groups, presents a significant obstacle to achieving lasting peace in South Sudan. These groups continue to engage in hostilities, undermining efforts towards national reconciliation.¹⁵

5.2.7 Climate-Related Conflicts

South Sudan is highly vulnerable to the effects of climate change, including both long-term changes such as the gradual increase in temperature and short-term extreme climate events like increased flooding. These factors have significant implications for peace and security in South Sudan. Droughts and floods have negatively impacted food security and livelihoods by contributing to resource scarcity, which in turn increases competition between pastoralists

¹³ <https://www.aljazeera.com/news/2024/3/19/un-reports-35-percent-increase-in-people-affected-by-south-sudan-violence#:~:text=The%20number%20of%20people%20affected,of%20violence%20affecting%20862%20people>

¹⁴ <https://www.undp.org/sites/g/files/zskgke326/files/migration/ss/South-Sudan-National-Small-Arms-Assessment---Web-Version.pdf>

¹⁵ <https://library.fes.de/pdf-files/bueros/suedsudan/21149.pdf>

and farmers who rely on grazing land and water resources. Climate-related livestock losses, combined with existing rivalries, increase the risk of cattle raiding, which can lead to retaliation, communal conflict, displacement, deepening intercommunal rivalry and the formation of armed groups.¹⁶ Environmental factors such as competition over natural resources exacerbated by climate change can fuel conflicts within communities in South Sudan. Disputes over land, water, and grazing rights can escalate into violent confrontations that impede peace consolidation efforts. Closely linked to South Sudan's deteriorating environmental conditions, communal conflicts over land, livestock and water have played an important part in the country's troubled history. They remain a major source of political instability in this young nation.¹⁷

5.2.8 Deteriorating Economic Crises

In South Sudan, despite the end of the war eight years ago, its negative impact continues to be felt on the lives and livelihoods of the people that will ultimately determine the country's future and ability to emerge from its history of armed conflict. For instance, the non-oil GDP per capita is estimated at \$625 in 2010, with value added in agriculture estimated at about \$320 per person living in rural areas. As to be expected, at these low levels of productivity the incidence of poverty in South Sudan is high. According to a recent survey undertaken by the Government of South Sudan, 50.5% of the population lives below the national poverty line which was defined as a level of consumption of less than SDG 73 per month (\$31.60 per month, or about \$1 a day). In rural areas, the incidence of poverty is about 55%, compared with about 24% in urban areas (see Table 1.5). The much lower level of poverty in urban areas, to a considerable extent, reflects the presence of relatively well paid government employees and people employed under international aid programs. Map 1.4 provides an overview of the spatial distribution of poverty in South Sudan. The incidence of poverty is highest in the states of Northern Bahr el Ghazal with 76% of the population below the poverty line, Unity with 68% below the poverty line, and Warrap with 64% below the poverty line. The lowest incidence of poverty is in the Upper Nile with 26% of the population below the poverty line.¹⁸ Economic instability and crises further complicate the peacebuilding process in South Sudan. High levels of poverty, unemployment, inflation, and economic inequality can create social unrest and undermine prospects for sustainable peace.

5.2.9 Impact of Sudan Conflict in South Sudan

The spill-over effects of conflicts from neighboring countries like Sudan can impact stability in South Sudan. Cross-border dynamics and regional influences can complicate efforts to consolidate peace within the country. More than 8.5 million people have been forcibly displaced in and outside of Sudan since the conflict started in Khartoum on 15 April 2023. Nearly 2 million have fled the country, with the highest number – some 640,000 people –

¹⁶ <https://www.sipri.org/events/2023/event-climate-change-food-insecurity-and-conflict-south-sudan>

¹⁷ <https://climate-diplomacy.org/case-studies/climatic-changes-and-communal-conflicts-south-sudan#:~:text=Closely%20linked%20to%20South%20Sudan's,in%20stability%20in%20this%20young%20nation.>

¹⁸ <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/South%20Sudan%20Infrastructure%20Action%20Plan%20-%20%20A%20Program%20for%20Sustained%20Strong%20Economic%20Growth%20-%20Chapter%201%20-%20Major%20Challenges%20Facing%20the%20South%20Sudan%20Economy.pdf>

entering South Sudan.¹⁹The conflict in Sudan has resulted to halt of the South Sudan oil flow further compounding on the already deteriorating economy of South Sudan.

5.2.10 Shrinking Civic and Political Space

Civic and political space continued to shrink. Authorities also violated due process and custodial safeguards of accused people. In early January 2023, the National Security Service (NSS) arrested six media workers with the state broadcaster, South Sudan Broadcasting Corporation (SSBC), in relation to a leaked video showing President Salva Kiir urinating on himself. Later that month NSS also arrested SSBC staff member Garang John and held him at the NSS Juba headquarters, also known as the “Blue House.”²⁰ All journalists were held in poor conditions and were never charged or allowed access to a lawyer or their families while in detention.²¹Restrictions on civic freedoms, including limitations on freedom of expression, assembly, and association, constrain civil society’s ability to participate effectively in peacebuilding initiatives. A shrinking political space hampers inclusive dialogue and engagement necessary for sustainable peace. Addressing these multifaceted challenges is crucial for overcoming obstacles to consolidating peace in South Sudan effectively.

5.3.0 Opportunities

In order to consolidate peace effectively, leveraging the following opportunities can significantly contribute to sustainable peacebuilding efforts:

5.3.1 Tumaini Peace Initiative for South Sudan

The Kenta led South Sudan Peace initiative between the R-TGoNU and the Non Signatories to the 2018 Agreement dubbed as “Tumaini Peace Initiative” that builds upon the Peace Process facilitated by St. Egidio in Rome and the current Inter-Parties Dialogue among the parties to the R-ARCSS, provide platforms for dialogue and reconciliation among conflicting parties. These initiative can help foster trust, understanding, and cooperation among different factions, ultimately leading to lasting peace in the region.

5.3.2 Constitution Making Process

Engaging in a transparent and inclusive constitution-making process is crucial for establishing a foundation for peace and stability. A well-crafted constitution that reflects the aspirations and rights of all stakeholders can help prevent future conflicts by addressing grievances and ensuring equitable governance structures.

5.3.3 Support of International Community

The support of the international community is instrumental in consolidating peace in conflict-affected regions. International actors can provide diplomatic pressure, financial assistance, expertise, and resources to facilitate peace negotiations, implement peace agreements, and support post-conflict reconstruction efforts.

5.3.4 The IGAD Regional Climate Change Strategy 2023-2030

¹⁹ <https://www.unhcr.org/news/announcements/sweden-and-unhcr-spotlight-impact-south-sudan-after-year-sudan-conflict#:~:text=More%20than%208.5%20million%20people,640%2C000%20people%20%E2%80%93%20entering%20South%20Sudan.>

²⁰ <https://www.hrw.org/world-report/2024/country-chapters/south-sudan>

²¹ <https://www.eyeradio.org/activist-warns-of-shrinking-civic-and-political-space-nationwide/>

The IGAD Regional Climate Change Strategy offers an opportunity to address environmental challenges that can exacerbate conflicts and instability. By integrating climate change considerations into peacebuilding initiatives, stakeholders can mitigate environmental stressors that may fuel tensions and contribute to sustainable peace.

5.3.5 East African Community (EAC)

The East African Community plays a vital role in promoting regional integration, cooperation, and conflict resolution within its member states. Leveraging the EAC's mechanisms for dialogue, mediation, and collaboration can enhance efforts to consolidate peace by fostering unity and solidarity among neighboring countries.

5.3.6 Presence of Vibrant Civil Society

South Sudan has proactive civil society dedicated to promoting peace and stability. A vibrant civil society sector is essential for promoting accountability, transparency, and civic engagement in peacebuilding processes. Civil society organizations can amplify the voices of marginalized groups, advocate for human rights protection, monitor peace agreements' implementation, and bridge divides between communities. By harnessing these opportunities effectively, stakeholders can strengthen their efforts to consolidate peace in conflict-affected regions like South Sudan while addressing underlying drivers of conflict and building resilient societies.

5.4. Recommendations

- a) Peace partners should expedite implementation of the key milestones of the peace agreement
- b) Guarantors should closely engage peace partners to stick to their commitments in order to have peaceful and credible transition in South Sudan.
- c) South Sudan government should leverage its historical linkage and relationship with Sudan to facilitate peace process to end the conflict in Sudan.
- d) The government of South Sudan should implement comprehensive disarmament, demobilization and reintegration process (DDR)
- e) Government should make deliberate efforts to expedite establishment of the Youth Enterprise Fund and create opportunities for youth employment.
- f) Expedite the full graduation and deployment of the Unified forces.
- g) Provide adequate resource and sustained support development of the peace agreement
- h) Create enabling environment for voluntary return and reintegration of Refugees and IDPs.
- i) Strengthen anti-corruption institutions and mechanisms.
- j) Strengthen borderline security
- k) Donor agencies should implement localization funding model to strengthen local ownership and sustainability
- l) Government and development partners should implement
- m) Government should review laws to protect freedom of expression and association to create enabling civic and political space.
- n) Allocate adequate to support peacebuilding efforts that address the root causes of conflicts through dialogue, reconciliation processes, and community engagement.

6.0 Strong Institutions

In the context of Sustainable Development Goal 16 (SDG 16), strong institutions refer to the presence of effective, transparent, and accountable governance structures that uphold the rule of law, promote human rights, ensure access to justice for all, and combat corruption. The global policy objective SDG 16 aims at reinforcing deliberate, proactive measures (across all SDG areas) to strengthen the structures, attitudes and institutions that underpin peace.²² Strong institutions are crucial for promoting peaceful and inclusive societies, providing access to justice for all, and building effective, accountable, and inclusive institutions at all levels.

In South Sudan, strong institutions are essential for achieving sustainable development by fostering political stability, promoting economic growth, ensuring social cohesion, and upholding the rights of all citizens. SDG 16 specifically targets peace, justice, and strong institutions as fundamental pillars for sustainable development. By strengthening institutions in South Sudan, the country can address issues such as conflict resolution, human rights violations, corruption, and lack of access to justice.

Some attempts to building strong institutions in South Sudan include the establishment of key government bodies like the Anti-Corruption Commission and Human Rights Commission. Efforts have been made to reform the legal framework to enhance accountability and transparency. Additionally, initiatives such as capacity-building programs for public officials have been implemented to improve governance practices.

6.1. Progress in Developing Strong Institutions in South Sudan

Since gaining independence in 2011, South Sudan has faced numerous challenges in establishing and strengthening its institutions. However, there have also been significant achievements in the development of strong institutions.

6.1.1 Constitutional Development

One of the significant achievements was the drafting and adoption of the Transitional Constitution of South Sudan in 2011 as Amended. This document laid the foundation for governance structures and the rule of law in the country²³. South Sudan has made progress in setting up key government institutions such as the National Legislature, Judiciary, and Executive branches to play a crucial role in ensuring accountable and transparent governance system. As part of the Revitalized Agreement on Resolution of Conflict in South Sudan (R-ARCSS), the government pledged to undertake an inclusive and comprehensive constitution making process²⁴. In this regard, the Constitution Review Commission has been established. The constitution making process is key in consolidating social contract, democracy, constitutionalism, and the rule of law.

²² https://southsudan.un.org/sites/default/files/2022-07/South%20Sudan%20SDG%20Inaugural%20Report_.pdf

²³ Chapter 6 of the R-ARCSS provides for permanent constitution making. Constitution Review Commission. (2012). Final Report on Public Consultations Conducted by CRC Across Ten States from December 3rd - 7th 2012. Juba: CRC. Retrieved from <http://www.crc-ss.org/>

²⁴ <https://www.usip.org/programs/constitution-making-sudan-and-south-sudan>

6.1.2 Strengthening Security Sector Governance

As part of efforts to strengthen security institutions, South Sudan has worked towards strengthening security sector governance. The main emphasis is on ending or preventing the resurgence of violent conflict, thereby creating a climate where people feel reasonably safe²⁵. In this regard, the government has established a Strategic Defense and Security Review Board (SDSRB) to spearhead security sector reforms aimed at professionalizing security agencies, improving accountability mechanisms, and enhancing civilian oversight of the security sector in line with Chapter 2 of the R-ARCSS.

6.1.3 Establishment of the Anti-Corruption Commission (SSACC)

Efforts to combat corruption have been initiated through the establishment of anti-corruption bodies like the Anti-Corruption Commission.²⁶ The R-ARCSS also stipulates multiple provisions related to anti-corruption and democratic governance, including establishment of Public Procurement and Asset Disposal Authority²⁷. While progress has been slow, these efforts demonstrate the government's commitment to building strong institutions that promote transparency and accountability in public institutions.

6.1.4 Increased Participation of Women

The government has adopted a National Gender Policy (2013) as a strategic framework aimed at promoting gender equality and women's empowerment in South Sudan. By adopting this policy, the government has demonstrated its commitment to addressing gender disparities and strengthening institutions that promote gender equality²⁸. The Ministry of Gender, Child and Social Welfare has been established as an executive institution to spearhead implementation gender equality. The R-ARCSS further provides for 35% affirmative action to ensure representation of women at all levels of government.²⁹

6.1.5 Establishment of the Ministry of Peace Building and Reconciliation

The establishment of the Ministry of Peace Building and Reconciliation demonstrates the government's commitment to fostering unity and social cohesion among South Sudanese communities. The ministry focuses on promoting reconciliation and healing among victims and perpetrators of violence, thereby contributing to long-term peace and stability. This institution plays a critical role in addressing historical grievances and promoting social cohesion—a crucial component of strong institutions.

6.1.6 Decentralization of government structures

Initiatives to decentralize power and resources have been undertaken to promote local governance and empower communities at the grassroots level. The R-ARCSS and the Transitional Constitution of South Sudan 2011, as Amended provides for devolution of more

²⁵ <https://africacenter.org/spotlight/security-sector-stabilization-a-prerequisite-for-political-stability-in-south-sudan/>

²⁶ The SSACC was established in 2012.

²⁷ https://knowledgehub.transparency.org/assets/uploads/helpdesk/South-Sudan-overview-of-corruption-and-anti-corruption-efforts_PDF.pdf

²⁸ Republic of South Sudan. (2013). National Gender Policy: Empowering Women for Sustainable Development and Peaceful Societies in South Sudan Retrieved from https://unfpa.org/sites/default/files/resource-pdf/National%20Gender%20Policy%20-%20South%20Sudan_ENG%20.pdf

²⁹ <https://www.undp.org/sites/g/files/zskgke326/files/migration/ss/GEWES.pdf>

powers and resources to the State and Local Government levels. In nations as ethnically diverse as South Sudan, decentralization is necessary for effective public participation, and it also contributes to bringing government closer to the people and empowering local governments to be more responsive to their constituencies' needs.³⁰ Despite the significant challenges of decentralization including insecurity at the subnational level, limited flow of resources, there is hope yet for the world's youngest nation as the citizens brace for a permanent constitution and transition to democracy to mark an end to the transitional period.

6.1.7 Capacity Strengthening

Various capacity-strengthening programs have been implemented to strengthen public institutions and enhance their effectiveness. The support of UN agencies, international organizations and donor countries has played a vital role in assisting South Sudan in building strong institutions. Technical assistance, financial aid, and advisory services have been provided to bolster institutional development. Training programs for civil servants and officials have been conducted to improve governance practices. For example; to help meet the pressing demands for experienced personnel, and to build capacity for the long term, UNDP is supporting the deployment of international civil servants and technical experts in key areas. These include management of public resources, rule of law, law enforcement and public administration³¹.

6.2 Challenges in Developing Strong Institutions in South Sudan Since

South Sudan faces numerous challenges in developing strong institutions, including ongoing political instability, weak rule of law, widespread corruption, inadequate resources and limited capacity within government agencies. These challenges hinder progress towards achieving SDG 16 goals and impede sustainable development efforts in the country.

6.2.1. Limited Capacity

One of the primary obstacles to institution-building in South Sudan has been limited capacity within the government and public sector; especially at the State and Local Government levels. The country inherited a weak institutional framework from Sudan and has struggled to build the necessary human resources and expertise to run effective institutions.³² The civil war that erupted in 2013 further depleted the country's resources meant for institutional development. Thus, making it difficult to staff key government positions and deliver basic services.

6.2.2 Political Instability

South Sudan has experienced significant political instability since gaining independence, with frequent power struggles among political elites. This instability has undermined efforts to establish strong institutions based on the rule of law and accountability, thus, hindering progress towards building effective institutions.

³⁰ <https://www.jstor.org/stable/24461710>

³¹ https://www.un.org/en/ecosoc/julyhls/pdf12/south_sudan_capacity_building_flyer.pdf

³² https://www.un.org/en/ecosoc/julyhls/pdf12/south_sudan_capacity_building_flyer.pdf

6.2.3 Ethnic Divisions

Deep-seated ethnic divisions have also posed a challenge to institution-building in South Sudan. These divisions have often been exploited by political leaders for their own gain, further undermining efforts to create strong, inclusive and representative institutions.

6.2.4 Corruption

Corruption is rampant in South Sudan and has severely hampered efforts to develop strong institutions based on transparency, accountability, and good governance. The diversion of public funds into private pockets has eroded trust in government institutions and undermined their effectiveness.

6.2.5 Insecurity

Persistent security challenges, including armed conflict, intercommunal violence, and the presence of armed militias, have also impeded progress towards developing strong institutions in South Sudan. Insecurity makes it difficult for government institutions to function effectively and provide essential services to the population. The proliferation of armed groups across the country has made it challenging for the government to assert its authority and establish a monopoly on violence, a fundamental aspect of state-building.

6.2.6 Opportunities for Development of Strong Institutions in South Sudan

Despite the challenges faced by South Sudan, there are opportunities for improving institutional strength. These include investing in capacity-building programs for government officials, enhancing transparency and accountability mechanisms through technology and innovation, promoting civic engagement and participation in decision-making processes, strengthening the judiciary system, and fostering partnerships with international organizations for technical support.

6.2.7 Permanent Constitution Making process

One crucial opportunity lies in the process and outcome of the much anticipated permanent constitution making in South Sudan. South Sudan has the chance to create a constitution that reflects the aspirations and values of its diverse population. A well-crafted constitution can provide a solid foundation for the establishment of strong institutions by clearly defining the roles and responsibilities of different branches of government. It is widely anticipated that the drafting and adoption of the permanent constitution in South Sudan could pave the way for institutional reforms that promote transparency, accountability, and inclusivity.

6.2.8 Capacity Building

Another significant opportunity is investing in capacity building within government institutions. By providing training and resources to civil servants, judiciary members, and other public officials, South Sudan can enhance their ability to effectively perform their duties and uphold the rule of law and improves the overall functioning of government institutions.

6.2.9 Strengthening Rule of Law

Moving forward, prioritizing the rule of law is essential for building strong institutions. By ensuring that laws are enforced fairly and consistently, South Sudan can create a more predictable environment for its citizens and businesses. Establishing an independent judiciary that upholds the principles of justice and fairness can help build trust in the legal system and contribute to the overall stability of the country.

6.2.10 Promoting Good Governance

Encouraging good governance practices is another key opportunity for institution-building in South Sudan. Transparency, accountability, and participation are essential elements that can help foster trust between citizens and their government. For example, implementing mechanisms such as open budget processes, anti-corruption measures, and citizen engagement initiatives can promote good governance practices and strengthen public institutions.

6.2.11 Investing in Education

Education plays a vital role in developing strong institutions by producing a skilled workforce capable of driving economic growth and innovation. Investing in education infrastructure and curriculum development can help build a knowledgeable citizenry that actively participates in shaping the country's future. For instance, expanding access to quality education at all levels, including vocational training programs, can equip individuals with the skills needed to contribute meaningfully to society and support institutional development.

6.3 Recommendations

- a) Review the anti-corruption legislation to empower the anti-corruption institutions to with powers to investigate and prosecute corruption related crimes and allocate adequate resources to the anti-corruption institutions to deliver on their mandates.
- b) Undertake judicial reform measures to ensure the judiciary operates independently from political influence, guaranteeing fair trials for those accused of corruption and holding perpetrators accountable.
- c) Strengthen public institutions by offering specialized training programs focusing on ethics, governance, and leadership skills to equip public officials with the necessary tools to perform their duties effectively.
- d) Leveraging technology platforms to the public through open data initiatives, enabling citizens to access information on government activities, budgets, and decision-making processes.
- e) Foster Partnerships between government agencies and civil society organizations to work together on common goals such as promoting good governance, human rights, and social justice.

7. Justice

7.1 Progress Made:

7.1.1 Judicial Reform Committee established

In a historic move, the Government of South Sudan on 28 July 2022 inaugurated the Ad Hoc Judicial Reform Committee (JRC) tasked with reviewing relevant laws, advising on judicial reforms and the restructuring of the Judiciary to enhance its effectiveness.³³ This milestone under the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) has the potential to usher in an independent Judiciary and post-conflict justice transformation to advance a strong rule of law and accelerate progress on the Revised National Development Strategy. The government, legal professionals, the media and South Sudanese people have a duty to support the JRC by taking action to sustain the political will, allocate financial resources and engage meaningfully.³⁴ We applauded the government's initiative in establishing the Ad Hoc Judicial Reform Committee. We recognize the importance of such a committee in addressing long-standing issues within the judiciary system and promoting transparency, accountability, and access to justice for all citizen.

7.1.2 National Constitution Review Commission Reconstituted

On 21st December 2023, the government reconstituted the National Constitution Review Commission mandated to spearhead the permanent constitution making process in South Sudan.³⁵ This move marks a significant step towards the long-awaited process of creating a permanent constitution for our nation. A permanent constitution is essential for establishing a legal framework that upholds the rights and freedoms of all citizens, ensures good governance, and promotes sustainable development. It serves as a cornerstone of democracy and provides a roadmap for building a peaceful and prosperous nation. We commend the government for recognizing the importance of engaging diverse stakeholders, including civil society organizations, in this crucial endeavour. It is imperative that voices from all regions, ethnic groups, genders, and marginalized communities are heard and considered in shaping the future constitutional framework.

7.1.3 Bills for Transitional Justice Mechanisms tabled before parliament

On 6th December 2023, the Minister of Justice tabled the Commission for Truth, Reconciliation and Healing Bill 2023 and Compensation and Reparation Authority Bill 2023 in parliament.³⁶ The purpose of this Bill is to establish the Commission for Truth, Reconciliation and Healing to spearhead efforts to address the legacy of conflicts, promote peace, national reconciliation and healing while the Compensation and Reparation Authority aims to govern matters and processes of compensations and reparations, to identify aggrieved persons eligible for reparations and establishment funds³⁷.

³³ <https://www.undp.org/south-sudan/blog/south-sudans-judicial-reform-committee-heralds-hope-justice-sector>

³⁴ <https://www.undp.org/south-sudan/blog/south-sudans-judicial-reform-committee-heralds-hope-justice-sector>

³⁵ <https://www.eyeradio.org/58-officials-of-national-constitutional-review-commission-sworn-in/>

³⁶ <https://www.radiotamazuj.org/en/news/article/justice-minister-tables-truth-commission-compensation-bills-in-parliament>

³⁷ https://www.undp.org/sites/g/files/zskgke326/files/2023-07/south_sudan_transitional_justice_mechanisms_conference_report_15_-_17_may_2023.pdf

CSPPS commend the government for tabling the Bills for the Commission for Truth Reconciliation and Healing and the Compensation and Reparation Authority in December 2023. These bills are crucial steps towards addressing past injustices, promoting reconciliation, and providing reparations to victims of conflict in our country.

The establishment of the Commission for Truth Reconciliation and Healing is a significant milestone in our journey towards healing and reconciliation. This commission will play a vital role in uncovering the truth about past human rights abuses, fostering national unity, and promoting accountability for past wrongs. It is essential that this bill is passed into law swiftly to ensure that the commission can begin its important work without delay.

Similarly, the Compensation and Reparation Authority Bill is essential for providing justice to victims of conflict in South Sudan. This authority will be instrumental in ensuring that those who have suffered losses during years of conflict are compensated fairly and receive the reparations they deserve. It is imperative that this bill is enacted promptly to provide much-needed closure and support to affected individuals and communities.

However, we express our concern with the delay in enacting the law for the hybrid court of South Sudan (HCSS). The establishment of the Hybrid Court for South Sudan is critical for ensuring accountability for serious crimes committed during the conflict and promoting a culture of respect for human rights and rule of law. We call upon the government to prioritize the enactment of this law to demonstrate its commitment to justice and ending impunity.

7.1.4 Gender Based Violence and Juvenile Court Established in Juba

On 3rd December 2020 South Sudan government established a Gender Based Violence and Juvenile Court in Juba in a commitment to end impunity for gender-based crimes and hold perpetrators accountable in South Sudan.³⁸

We would like to express our sincere appreciation to government for establishing the Gender Based Violence and Juvenile Court in Juba. The establishment of this specialized court is a crucial step towards addressing the pervasive issue of gender-based violence in our country. It provides a dedicated platform for survivors of such crimes to seek justice and redress, while also sending a strong message that these offenses will not be tolerated in our society.

We commend the government for taking this important step and urge them to replicate this court model in the ten states of South Sudan. By expanding the reach of specialized courts for gender-based violence and juvenile cases across the country, more survivors will have access to justice and support services tailored to their needs. It is imperative that all levels of government work together to ensure that these courts are effectively implemented and resourced.

7.1.5 Amendment and enactment of Laws

The government of South Sudan has made stride in amending existing laws and while introducing new ones in efforts to improve access to justice and rule of law. Among the laws amended include; South Sudan Peoples Defence Forces Act, National Police Service Act, National Security Service Act.³⁹

³⁸ <https://panafricanvisions.com/2020/12/south-sudan-inaugurates-court-for-perpetrators-of-gender-based-violence/>

³⁹ <https://www.radiotamazuj.org/en/news/article/justice-ministry-tables-4-bills-in-parliament>

We commend the government of South Sudan for its proactive steps in amending existing laws and introducing new ones to enhance access to justice and uphold the rule of law in the country. The amendments made to key legislation such as the South Sudan Peoples Defence Forces Act, National Police Service Act, and National Security Service Act demonstrate a commitment to strengthening legal frameworks that are essential for promoting accountability, transparency, and respect for human rights.

The amendments to these laws are crucial in addressing longstanding challenges within South Sudan's security sector and judicial system. By updating legislation related to the military, police, and national security services, the government is taking concrete actions to improve governance, enhance oversight mechanisms, and ensure that these institutions operate in accordance with international standards and best practices.

Through these legal reforms, the government is signalling its intent to enhance accountability and transparency within security agencies. By clarifying the roles and responsibilities of different branches of the security sector, as well as establishing mechanisms for civilian oversight and complaints redresses, these amendments contribute to building a more accountable and responsive security apparatus.

Furthermore, the amendments underscore a commitment to upholding human rights principles within law enforcement and security operations. By aligning domestic legislation with international human rights standards, South Sudan is sending a clear message that violations of fundamental rights will not be tolerated, and perpetrators will be held accountable under the law.

7.1.6 Special Protection Units

The Special Protection Units (SPU) were established in South Sudan as part of efforts to enhance access to justice and uphold the rule of law in the country. These units were created to address the critical need for improved security and protection for vulnerable populations, including women, children, and other marginalized groups who are often at risk of violence, abuse, and discrimination.⁴⁰

The presence of Special Protection Units helps to create a safer environment for all citizens, particularly those who are most vulnerable. By providing security and protection services, the SPUs contribute to reducing crime rates and ensuring that individuals can access justice without fear of reprisal or harm.

The establishment of SPUs is a crucial step towards strengthening the rule of law in South Sudan. These units play a key role in upholding legal standards, preventing human rights violations, and ensuring that justice is accessible to all members of society. By enforcing laws and regulations, the SPUs help to maintain order and promote accountability within the community.

One of the primary functions of the Special Protection Units is to provide targeted support for marginalized groups who face heightened risks due to their social status or circumstances. By focusing on the needs of these populations, the SPUs help to address systemic inequalities and promote inclusivity within the justice system.

⁴⁰ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/south-sudan/#:~:text=The%20UN%20Commission%20on%20Human%20Rights%20in%20South%20Sudan%20reported,police%20were%20investigated%20for%20misconduct.>

The SPUs engage with local communities to build trust, gather intelligence on potential threats, and foster cooperation between law enforcement agencies and the public. This community-oriented approach not only enhances security but also promotes transparency and accountability in policing practices.

Through training programs and capacity-building initiatives, the Special Protection Units equip their personnel with the necessary skills and knowledge to effectively respond to security challenges and protect human rights. By investing in professional development, the SPUs ensure that their officers are well-prepared to uphold legal standards and serve the community effectively.

In conclusion, the establishment of Special Protection Units in South Sudan plays a vital role in improving access to justice, promoting the rule of law, protecting vulnerable populations, engaging with communities, and building institutional capacity within law enforcement agencies.

7.1.7 Court Martial Making stride in holding soldiers accountable

The court martials have made commendable efforts in holding soldiers accountable for crimes committed against civilians. Key examples include the Terrain case, the Yei trial amongst others.⁴¹

Court martials in South Sudan operate as specialized military tribunals that have the authority to try cases involving military personnel accused of offenses under military law as well as under the penal code (criminal law). These courts are responsible for adjudicating a wide range of cases, including disciplinary infractions, breaches of military regulations, and more serious offenses such as misconduct, insubordination, and crimes related to human rights violations or war crimes.

By subjecting soldiers to the jurisdiction of court martials, the government aims to maintain order, integrity, and professionalism within the military while ensuring access to justice and rule of law in South Sudan

Court martials in South Sudan operate as specialized military tribunals that have the authority to try cases involving military personnel accused of offenses under military law. These courts are responsible for adjudicating a wide range of cases, including disciplinary infractions, breaches of military regulations, and more serious offenses such as misconduct, insubordination, and even crimes like human rights violations or war crimes.

7.1.8 Ratification of international and regional conventions on human rights

South Sudan has ratified and acceded to several regional and international conventions that provide conventional framework for protection of human rights and promoting rule of law.⁴² These include:

- ❖ International Covenant on Civil and Political Rights (ICCPR): South Sudan ratified the ICCPR on March 23, 2015.

⁴¹ <https://peacekeeping.un.org/en/press-release-with-unmiss-support-south-sudan-peoples-defence-forces-sspdf-takes-steps-toward#:~:text=On%2016%20June%202023%2C%20a,delivered%20verdicts%20in%2014%20cases.b>

⁴² <https://mofaic.gov.ss/agreements-treaties-and-protocols/>

- ❖ International Covenant on Economic, Social and Cultural Rights (ICESCR): South Sudan ratified the ICESCR on March 23, 2015. Convention on the Rights of the Child (CRC): South Sudan ratified the CRC on January 30, 2015.
- ❖ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): South Sudan ratified CAT on March 23, 2015.
- ❖ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): South Sudan ratified CEDAW on March 23, 2015.
- ❖ Convention on the Rights of Persons with Disabilities (CRPD): South Sudan ratified CRPD on December 24, 2013.
- ❖ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): South Sudan ratified ICERD on March 23, 2015
- ❖ Regional Conventions:
 - ❖ African Charter on Human and Peoples' Rights: South Sudan acceded to this charter upon gaining independence in July 2011
 - ❖ African Charter on the Rights and Welfare of the Child: South Sudan acceded to this charter upon gaining independence in July 2011.
 - ❖ Maputo Protocol 2023

7.2. Challenges of Access to Justice and Rule of Law in South Sudan

Despite the progress made, South Sudan continues to face significant challenges in advancing access to justice and rule of law. These challenges include:

7.2.1 Conflict and Instability

The ongoing conflict in South Sudan has severely disrupted the justice system and undermined the rule of law. The conflict has led to widespread displacement, human rights abuses, and a breakdown of law and order. The ongoing conflict and instability in South Sudan have severely undermined the country's legal infrastructure. The breakdown of governance structures, including courts, police, and prisons, has led to a significant lack of access to justice for the population. The justice system is unable to function effectively in such an environment, leading to impunity for perpetrators of crimes and violations of human rights.⁴³

The conflict has resulted in widespread displacement of people within South Sudan, making it difficult for individuals to access legal services. Many legal professionals have been forced to flee their homes or have been killed, leading to a shortage of lawyers and judges. This disruption further exacerbates the challenges in accessing justice and upholding the rule of law.

The conflict in South Sudan has been marked by widespread human rights violations committed by various parties involved. These violations include arbitrary arrests, extrajudicial killings, torture, and sexual violence. The lack of accountability for these

⁴³ <https://www.fmreview.org/sherif/>

atrocities further perpetuates a culture of impunity, where perpetrators are not held responsible for their actions.

7.2.2 Corruption

In 2023, Transparency International's Corruption Perceptions Index ranked South Sudan as 177th out of the 180 countries assessed.⁴⁴

Corruption in South Sudan is highly pervasive, infiltrating formal institutions but based on flexible informal networks. Corruption in the justice sector refers to unethical practices, abuse of power, and manipulation of legal processes for personal gain and bribery. In a 2024 research conducted by V4G, 63.5% the respondents reported having experienced corruption in the justice sector. Corruption allows individuals with power or resources to manipulate legal outcomes, leading to impunity for those who should be held accountable for their actions. This erodes trust in the justice system and discourages people from seeking legal recourse.

Corrupt practices such as bribery result in unequal treatment before the law. Those who can afford to pay bribes may receive preferential treatment, while marginalized groups or individuals without resources may face barriers to accessing justice.

Corruption lead to delays in legal proceedings as cases are manipulated or stalled for financial gain. This denies individuals timely resolution of their legal disputes and perpetuates a culture of injustice.

7.2.3. Lack of Comprehensive policy on legal aid provision

The constitution provides general provision on legal aid and legal aid requires detailed policy which can be implemented. However, South Sudan has no comprehensive legal aid policy.⁴⁵ The policy should be clear and easy to comprehend and the policy should be specific on the how the legal aid can be carried out and who deserves legal aid; and which criteria would be used to sort out legal aid matters. In administration of justice the simple logic is to ensure that justice is done without discrimination and justice system should set the path that would to justice and how easy a person can have access to justice. Legal aid is normally provided to those who are unable to afford a lawyer to represent them in court of law. Legal aid /legal assistance helps in terms of legal advice as well as affordability of a Lawyer or Advocate who has the knowledge of legal issues and how those issues can be managed. The legal redress comes to heal the wound caused by the breach of law. When people understands the procedures and where to and they are faced with the tough questions, they can easily get their way through and be able to make situation analysis and make an informed decision for better society.

7.2.4. Weak Judicial Independence

Weak judicial institutions in South Sudan significantly undermine access to justice and the rule of law in the country. The lack of a strong and independent judiciary hampers the effective functioning of the legal system, leading to a range of issues that impede justice for individuals and erode the rule of law.

⁴⁴ <https://www.transparency.org/en/countries/south-sudan>

⁴⁵ <https://mojca.gov.ss/fundamental-challenges-and-strategies-to-overcome-them/>

The limited capacity and resources of judicial institutions also play a significant role in undermining access to justice in South Sudan. Insufficient funding, staffing shortages, inadequate infrastructure, and a lack of training for judicial personnel hinder the efficient operation of courts and tribunals. Delays in court proceedings, case backlogs, and administrative inefficiencies further impede timely access to justice for individuals seeking legal remedies.

Weak legislative frameworks, outdated laws, and inconsistencies in legal provisions create ambiguity and uncertainty in legal processes. Absence of functional Statutory courts in most parts of South Sudan greatly hinders access to justice especially for the greater population who live in rural areas.

7.2.5. Limited Public Awareness of the law and legal processes

In South Sudan, limited public awareness of the laws due to language barriers significantly undermines access to justice and the rule of law in the country. This issue is multifaceted and impacts various aspects of the legal system, ultimately hindering the effective implementation and enforcement of laws.

The laws are written in English in a context where there is high illiteracy rates and practical dominance of Arabic language. The lack of understanding of legal rights and responsibilities due to language barriers directly affects individuals' ability to access justice. Without clear knowledge of their rights under the law, individuals may not be able to seek legal remedies when they face injustices or violations. This can lead to a situation where people are unable to assert their rights in legal proceedings or defend themselves effectively in court.

In a recent survey conducted by V4G, (64.1%) of the respondents reported difficulties in accessing justice.

7.2.6. Ineffective enforcement of existing laws

The transitional Constitution of South Sudan, 2011 (as amended) and other laws provides for equality before law, right to litigation and fair trial using various mechanism. The enforcement institutions fail to apply the law as it is. In South Sudan, the ineffective enforcement of existing laws significantly undermines access to justice and the rule of law in the country. This issue has several detrimental effects on the legal system and society as a whole⁴⁶.

When laws are not enforced effectively, there is a lack of deterrence for potential offenders. This emboldens individuals to engage in illegal activities without fear of facing consequences. As a result, crime rates may increase, leading to a breakdown in societal order and security.

Inadequate enforcement erodes trust in the legal system among the population. When people perceive that laws are not being upheld fairly and consistently, they are less likely to seek legal recourse for injustices they experience. This lack of trust undermines the legitimacy of the legal system and weakens its ability to uphold justice.

Ineffective enforcement allows violators to act with impunity, knowing that they are unlikely to be held accountable for their actions. This creates a culture of lawlessness where powerful

⁴⁶ <https://www.saferworld-global.org/downloads/justice-for-peace-south-sudan---civil-society-perspectives---december-2018.pdf>

individuals or groups can act outside the boundaries of the law without repercussions. Such impunity further perpetuates corruption and human rights abuses.

Failure to enforce the law would result to injustice and miscarriage of justice. The enforcement needs motivation and required resources to utilized in fostering access to justice. Sometimes people who are mandated with obligation of carrying out access to justice program have enough knowledge of how to translate the concept of access to justice into practicality.

7.3. Recommendations for Advancing Access to Justice and Rule of Law in South Sudan

Addressing the challenges outlined above requires a multifaceted approach that involves the government, civil society, and international partners. Key recommendations include:

- a) Allocated adequate funds for the constitution making process
- b) Allocate budget for Judicial reform in the national annual budget
- c) Expedite the establishment of the Transitional Justice Mechanisms by passing the CTRH and CRA Bills into laws and enacting the South Sudan Hybrid Court Act.
- d) Expedite passing of the pending Bills into laws: family Bill, Anti-GBV Bill, Women Enterprise Fund Bill, Legal Aid Bill.
- e) Mainstream Anti-Corruption Initiatives in the judicial reform process
- f) The Ministry of Justice should translate the laws of South Sudan into simple Arabic and other key indigenous languages.
- g) Establish High Courts in all the capital Cities of the ten states of South Sudan and the three administrative Area.
- h) Establish County Court in Each of the Counties in South Sudan.
- i) Increase the salary of the judicial officials to motivate commitment to work and attract qualified staff.
- j) Allocate adequate resources for the operation of the judiciary.

South Sudan Country Team- Civil Society Platform for Peace Building and State Building (CSPPS) is committed to working closely with the government and development partners in implementing the recommendations of the Voluntary National Review (VNR) process to advance SDG 16. Through this collaborative effort, we aim to address the challenges, leverage opportunities, and build on the progress made towards achieving Sustainable Development Goal 16 in South Sudan. By fostering partnerships, promoting transparency, enhancing accountability, and advocating for inclusive governance structures, we believe that together we can create a more just, peaceful, and inclusive society for all citizens of South Sudan.