

**Security Council**

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Letter dated 11 March 2019 from the Permanent Representatives of Germany, Peru and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Germany and Peru, as Co-Chairs of the Informal Expert Group on Women and Peace and Security of the Security Council, and in close cooperation with the United Kingdom, would like to share the summary note of the meeting held on 28 February 2019 on the situation in South Sudan (see annex).

We would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

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Permanent Representative of Germany to the United Nations

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Permanent Representative of Peru to the United Nations

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Permanent Representative of the United Kingdom to the United Nations



Annex to the letter dated 11 March 2019 from the Permanent Representatives of Germany, Peru and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Summary of the meeting of the Informal Expert Group on Women and Peace and Security on the situation in South Sudan, held on 28 February 2019

On 28 February 2019, the Informal Expert Group on Women and Peace and Security convened a meeting on the situation in South Sudan. Members of the Security Council were briefed by the Deputy Special Representative of the Secretary-General for the United Nations Mission in South Sudan (UNMISS), Alain Noudéhou, accompanied by experts from UNMISS and the United Nations country team.

Council members asked questions about the genuine commitment of the parties to the provisions of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan relating to the guaranteed quota for women's representation in the pre-transitional and transitional governance structures and the various communiqués and command orders signed by the parties to prevent and respond to conflict-related sexual violence. Members also asked about the reaction of the parties to United Nations advocacy on those matters, considering that several of the key figures in positions of power are themselves accused of having directed or commanded gender-based crimes. Members expressed concern about the public messages issued by the Minister of Gender, Child and Social Welfare in South Sudan in the wake of reports of mass rape in Bentiu in recent months and the concrete assistance delivered to survivors. Other questions centred on the specific mechanisms by which the Mission cooperates with women-led organizations and women politicians, mainstreams gender in its day-to-day work, protects human rights defenders and civil society activists, and improves the gender balance of uniformed personnel in UNMISS. Finally, there were several questions about the complexity of the protection environment and how that should be reflected in the new mandate. The questions encompassed the interplay between the reduction in large-scale fighting among the armed actors coupled with an increase in intercommunal violence and sexual and gender-based violence, the difficulties in protecting civilians in high-risk areas outside the protection of civilians sites, the harmful social and cultural norms driving much of the violence against women and girls, and the role of sanctions and other accountability mechanisms.

Below are the main points that were raised during the meeting:

- The Revitalized Agreement signed in September 2018 included important provisions relating to women and peace and security, including a requirement of a minimum of 35 per cent of women in the composition of key decision-making bodies, such as the committees set up in the pre-transition period. However, so far only the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, with 43 per cent, had complied with that requirement. The current percentage of women was 10 per cent in the National Pre-Transitional Committee, 13 per cent in the National Constitutional Amendment Committee, and 17 per cent in the Strategic Defence and Security Review Board. There was not a single woman in the Joint Transitional Security Committee or the Joint Defence Board. In addition, very few financial resources had been committed to fund this transition, with an estimated budget of \$230 million.
- In addition to facilitating the participation of women in the high-level revitalization forum and other consultations, as well as facilitating the high-level visits of United Nations and African Union officials advocating for

women and peace and security, UNMISS stands ready to strengthen its messaging on those matters through its good offices. Women's organizations were preparing a strategy to facilitate their inclusion in the committees set up in the pre-transition period and to disseminate and discuss the gender-related provisions of the Revitalized Agreement, and were establishing a database of women who would be suitable for executive and transitional institutions. However, the parties were reportedly interpreting the quota provisions as optional, restricting membership in those committees to armed actors and security personnel, and had so far focused on the first two chapters of the Revitalized Agreement, on political and security arrangements, rather than on provisions in subsequent chapters on the economics of peace, the rule of law, or transitional justice.

- At least 134 women had been sexually assaulted by various parties to the conflict in and near Bentiu over a period of two months, and the number of allegations reported in 2018 was alarming and significantly higher than in 2017, whether as a result of continued insecurity or improved reporting. Specifically, reported cases of sexual and gender-based violence had increased from 3,583 in 2017 to 5,120 in 2018, and cases of conflict-related sexual violence had increased from 196 in 2017 to 1,219 in 2018. Victims were typically assisted by the United Nations system and non-governmental organizations as coordinated by the Gender-Based Violence Sub-Cluster. The United Nations in South Sudan had a joint programme on gender-based violence, and a number of interventions were highlighted, from Juba's one-stop centre to the use of mobile courts. Half of the reported cases that had been dealt with through mobile courts involved gender-based violence, and some have led to convictions that can have an important demonstration effect in a country with rampant impunity. However, these convictions affect a fraction of cases and there is a need to scale up such interventions and invest much more in social norms and behaviour change with a broader purview of gender equality and women's empowerment, including by engaging on these issues with the government leadership and the cabinet cluster on gender and youth.
- As a result of sustained engagement by the Senior Women's Protection Adviser and UNMISS and the pressure resulting from new sanctions imposed by the Security Council, Riek Machar had issued a new command order in February prohibiting his forces from committing sexual violence and calling for an action plan to implement his previous communiqué on that matter. The Government had not yet signed the draft memorandum of understanding with the African Union for the establishment of the Hybrid Court for South Sudan.
- The Mission had also drafted a gender parity strategy and a gender mainstreaming strategy for UNMISS. The strategies included provisions to ensure that women account for at least 30 per cent of participants in all dialogues and forums organized by UNMISS in its engagements with local stakeholders and communities throughout the country and to integrate a gender perspective and the role of women in conflict analysis.
- The Mission had asked for stronger language from the Security Council to call on all parties to implement the gender-related provisions of the agreement, and bring perpetrators of gender-based and conflict-related sexual violence to justice, and to call for sustained gender expertise and parity in the Mission. Representatives of the Mission added that gender equality considerations should be part of the existing four pillars of the mandate (protection of civilians, human rights monitoring, humanitarian assistance delivery and good offices), as they all remained relevant in the current context.

The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), as the secretariat of the Informal Expert Group, highlighted some of the recommendations shared in writing with the Group's members, and asked Council members to reach out to the African Union, the Intergovernmental Authority on Development and the Troika (Norway, United Kingdom of Great Britain and Northern Ireland and United States of America) in order to ensure their adequate follow-up. Most importantly, the Security Council should retain all the existing language on women and peace and security in its resolution [2406 \(2018\)](#). In particular, it was imperative to maintain the request that UNMISS take fully into account gender considerations as a cross-cutting issue throughout its mandate, reaffirm the importance of appropriate expertise on women and peace and security, including gender and women protection advisers, and emphasize the full and effective representation of women in all conflict resolution and peacebuilding efforts, including the involvement and subsequent engagement of women in the implementation of the Revitalized Agreement; and that the Mission continue to report on those matters to the Council through its periodic reports and briefings. In addition, the Security Council should consider new language to prioritize the implementation of the women and peace and security agenda in the UNMISS mandate, including through the use of good offices, with particular emphasis on women's leadership and participation in peacebuilding and peacemaking, including local-level, women-led mediation and reconciliation efforts, as central to achieving lasting peace in South Sudan. For example:

- *Urges* the parties to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to comply with the guaranteed gender commitments and requirements for women's representation (35 per cent) in the committees and mechanisms of the Revitalized Agreement and all executive and transitional institutions and calls on the international partners of South Sudan to demand meaningful participation of women in those bodies, including in senior leadership positions.
- *Requests* UNMISS to support government, non-governmental institutions and women's organizations in ensuring the full and effective participation, involvement and representation of women in all phases and at all levels of peace processes, national dialogues and public decision-making processes.
- *Commends* the role of women's civil society organizations in South Sudan and urges the Government and the United Nations to ensure that they are regularly consulted on all matters relating to peace and security and that mechanisms and protocols for their protection are in place.
- *Stresses* the critical importance of investing in local-level, women-led peacebuilding and mediation efforts for the consolidation of peace and security, including through intercommunal dialogue, community violence reduction, change in social norms, livelihood support and funding for services for women and girls run by non-governmental organizations, many of which require urgent resources to avoid closure, and more flexible, multi-year funding channelled directly to local and grass-roots organizations to build peace at the community level.

The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict complemented those suggestions with further recommendations concerning the mandate of the Office. The Office highlighted the importance of sanctions as a tool of the Security Council, as the South Sudan sanctions regime included sexual violence as a stand-alone criterion for listing, and seven of the eight individuals currently listed had been accused of sexual and gender-based violence, among other violations. The Special Representative of the Secretary-General on

Sexual Violence in Conflict and the United Nations High Commissioner for Human Rights had provided the sanctions committee with further information and names. The threat of sanctions may have led to a re-engagement by the parties in the conversation about action plans and time-bound commitments to prevent conflict-related sexual violence, which had been stalled with the renewal of the fighting. Apart from the new command order by Riek Machar to the Sudan People's Liberation Army in Opposition, the South Sudan People's Defence Forces were also moving forward with their implementation plan. The Office expressed the following main requests for an upcoming resolution on South Sudan: to maintain the pressure on the parties to respect their commitments and rigorously and expeditiously investigate all incidents of sexual violence and hold perpetrators accountable regardless of rank or seniority; to insist that no amnesties for serious crimes, including of sexual violence, could result from those peace negotiations; to demand proper vetting that impeded perpetrators from being promoted into positions of authority and power; and to request that sexual violence be properly monitored, including through female monitors and adequate gender expertise and training, and that sexual violence should cease for the peace agreement to be considered successful. Finally, the Council should urge the Government of South Sudan to establish the Hybrid Court without delay, provide comprehensive services to survivors, especially medical and psychosocial care, grant unhindered access to humanitarian organizations assisting victims and displaced civilians, and ensure that victims receive reparations and livelihood support.

The Co-Chairs closed the meeting, thanking the Deputy Special Representative of the Secretary-General, UNMISS and the country team for their participation, and expressed their intention to follow up on the recommendations raised at the meeting, including during upcoming consultations and negotiations on South Sudan in the Security Council.
