

AU Agenda 2063 and UN Agenda 2030: Access to Justice for Women in Conflict Situations



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Africa has experienced a significant increase in women's participation in politics, yet the continent still faces many challenges regarding gender equity, particularly around access to justice for women in conflict situations. In the spirit of the African Union's declaration of 2015 as the Year for Women's Development and Empowerment, the Southern African Liaison Office (SALO) together with the Public Diplomacy Initiative of the Department of International Relations and Cooperation (DIRCO) co-hosted a workshop entitled *Access to Justice for Women in Conflict*. The workshop aimed to bring into focus the endeavours of ensuring the liberation and empowerment of women in line with the African Union's 2063 Vision. The workshop also intended to interrogate Goal 16 on 'peaceful and inclusive societies and access to justice' in the post-2015 Sustainable Development Goals (SDGs). It would do so against the backdrop of the realities experienced by women in conflict situations.

SUMMARY OF THE PRESENTATION

Dr Showers Mawowa, SALO



In his introductory remarks Dr Showers Mawowa expressed that the workshop would take into account the Maputo Protocol that calls for the Protection of women in conflict situations, the AU Agenda 2063 and UN Agenda 2030. It will therefore reflect how these protocols can be utilised to enhance access to justice for women in conflict situations.

The AU Agenda 2063 is a remarkable milestone in terms of the common approach to addressing some of the challenges Africa is facing and it focuses on:

- ❖ The need to end conflict in Africa; the need to silence guns
- ❖ The need to empower women
- ❖ The need to improve access to justice
- ❖ The need to improve issues of human rights and all the relevant aspects to ensure a better world for women as equal citizens in this world.

The UN 2030 Agenda for Sustainable Development on the other hand has goals that focus on issues of:

- ❖ Peace and security
- ❖ Development and Women Empowerment

Access to justice for most people in Africa depends on how much money they have, which poses a problem for most people especially women in conflict situations to access justice. Therefore, women continue to disproportionately bare the brunt of most of the conflicts and be excluded in peace building and post-conflict reconstruction, he argued. He noted the following to be the key issues that need to be addressed:

- ❖ How to engender a gender-sensitive peace building and conflict resolution approach?
- ❖ How to ensure that all strategies are sensitive to the gender nuances that are necessary to ensure the empowerment of women?
- ❖ The importance of understanding the masculinity of conflict; how some of the norms and stereotypes of what it means to be a man perpetuates certain attitudes within societies

Dr Mawowa expressed that speaking about women in conflict situations puts a human face to Goal 16 and thereby managing the risk of the securitisation of development and of the abuse of the goal on peace for militaristic ends.

Keynote Speaker

The Hon. Nomaindiya Mfeketo, Deputy Minister of International Relations and Cooperation

In her presentation Honourable Nomaindiya Mfeketo stated that South Africa (SA) will during its tenure as Chair of the Indian Ocean Rim Association (IORA) continue to infuse the issue of women empowerment in the dialogue. She expressed that through the DIRCO Diplomatic Academy in partnership with national, regional and international bodies, SA has offered a considerable number of capacity-building courses to African women mediators. Women peace negotiators are trained and peacekeepers are deployed in different areas and they are making a difference. She also acknowledged that there are limitations on these endeavours and these include among others:



- ❖ The enforcement of universal legal instruments and effective implementation of various mechanisms.
- ❖ Implementation of the legislations and laws that different bodies globally have agreed to, particularly in situations of conflict.
- ❖ More women negotiators need to be trained and peacekeepers deployed in more areas and their pilot projects should start nearer to home even if it is not a country in war.

There has been agreement on what needs to be done beyond what concerns legislation. Therefore, what is needed now is action she argued.

CONTRIBUTIONS FROM FLOOR

Ambassador Trine Skymoen, Royal Norwegian Embassy

Ambassador Trine Skymo

en stated that only nine percent of mediators are women and more needs to be done. She thus commended SA for the work it has done though building networks and capacity to increase the competence of female mediators. She expressed her happiness that Norway is a partner in these efforts and applauded SA for inspiring Norway with Sweden and other Nordic countries to creating a network of women mediators, the '*Nordic Network of Women Mediators*'. Ambassador Skymo

en expressed her hope that once the Nordic Network is up and running there will be close cooperation and exchange of experiences with the DIRCO Network.

Ambassador Anders Hagelberg, Embassy of Sweden

Ambassador Anders Hagelberg congratulated SA and Hon Mfeketo for the commitment into the areas of women empowerment and for mentioning what was decided at the Stockholm Bi-National with Sweden. He stated that through the SA and Sweden Bi-National Commission and the Nordic-African Foreign Ministries Meeting, which would be hosted by Norway next year [2016], there will be an opportunity to further elaborate on this work.

Venetia Govender, Crisis Action

Venetia Govender expressed her concern about the continued violation of women's rights in protection camps in South Sudan, in the presence of the UN Mission. One of the key mandates of the AU team in Juba and beyond is to engage the women's block that will be participating in the peace process in some way or the other and look at mechanisms to get women involved. It is important to address the issue of gender-based violence when dealing with women in conflict situations, she argued. Ms Govender pointed out that it is pivotal to engage vigorously and also look at what kind of capacity can be built. She argued that this should be done while taking into account the efforts of the AU Mission, which are to build capacity of women, at the various levels including in finance and technical skills.

Vincent Cassard: International Committee of the Red Cross (ICRC)

Vincent Cassard stated that in December 2015, there would be the 32nd International Conference in Geneva, at which there was a plan for a resolution on the protection of women, focusing specifically on the sexual violence in armed conflicts and he encouraged SA to support that initiative. He expressed that the issue of sexual violence is recurrent and the violations of international law are rampant during armed conflict. Mr Cassard pointed out that the following elements that are important for proper implementation of the law in the situation of sexual violence in armed conflict:

- ❖ The response to be very wide and multi-dimensional; sexual violence is seen as hate, economic and social issue, linked to religion and tradition. It thus requires input from communities, religious leaders, social workers and police.
- ❖ There is a protective international legal framework, therefore, implementation thereof is important.
- ❖ There is need to ensure women's safety when reporting incidents; the staff assisting them has to be sensitized and legal assistance be provided.
- ❖ It is important for states to integrate in their legislation criminalisation of sexual violence during armed conflict.

Ambassador Welile Nhlapo, former National Security Advisor in the Presidency

In his contribution Ambassador Welile Nhlapo expressed that protection of women remains elusive. There are many UN reports that indicate that some of the perpetrators and violators are the peace-keepers and many of them get away with it, because the political will to address this is lukewarm, he argued. He also indicated that some of

the that governments that send troops for peace-keeping tend to protect their troops when they have committed crimes and this is due to the gaps in the international instruments, countries laws and the way the system is structured. It is thus, important to address and fill those gaps, Ambassador Nhlapo articulated.

Other contributions

It was expressed that the ICC is selective on how it deals with issues, as there are countries that have enormous violations and yet no one is taken to The Hague for those violations and it was asked whether SA would ever withdraw from the ICC. Another question was posed in how women in rural Africa can access justice when they don't have money and how do they distinguish between culture, tradition, religion and justice. It is also important to ensure that justice can extend across borders seamlessly to ensure that people don't commit crime in one country and then escape to another country.

The issue of sustainability of resolutions or any policy and political plans was raised, with the concern on ensuring post-conflict rehabilitation and ensuring peace and security by ensuring that women are economically secured and are able to function in society socially.

Response from the Deputy Minister Mfeketo

Hon Mfeketo thanked Norway and Sweden for their contributions in SA's efforts to empower women. She expressed that the policies of government are beginning really to focus on women's economic empowerment; prioritizing education for women; promoting equality, not just in terms of income but also in positions. In terms of culture, traditions, and religions she stated that it all starts with the constitution and policies of a country, expressing that SA has a Bill of Rights, which no religion, culture or tradition is above.

She encouraged the training of young women and men as future leaders, and encouraged activism and consciousness, emphasising that Government makes laws, but the communities create activism on the ground to see that the laws are implemented. She made a call for people to engage with government, emphasising with the following quote: '*When good people do nothing, evil thrives.*' It is necessary to have vibrant community Organisations in order to contribute effectively to government processes, she emphasised.

Regarding SA's withdrawal from the ICC, Hon Mfeketo stated that the government has decided to engage with the ICC in the hope that such a drastic decision will not be necessary.

CONCLUSIONS

There is a need to come up with implementable strategy that can be piloted. The pilot project can be done at a smaller scale, such as where there is local violence and gangsterism to ensure that the strategy can work at a bigger scale such as in a conflict country. It is important to engage in dialogue around implementable strategies. It is also vital to have a response from civil society that can bring support to government initiatives.

Youth involvement is vital and it is therefore, important to conscientise the youth on issues affecting Africa. There is also need to have a strategy to deliberately train young women to be the next peace-builders. Dialogues of this nature should continue in order to ensure consciousness and empowerment of different generations.

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The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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