

WOMEN'S POLITICAL PARTICIPATION IN SOUTH SUDAN

RECOMMENDATIONS FOR THE FORTHCOMING ELECTIONS AND THE ONGOING CONSTITUTIONAL REVIEW PROCESS

Dr. Victoria Lihiru



WOMEN'S POLITICAL PARTICIPATION IN SOUTH SUDAN RECOMMENDATIONS FOR THE FORTHCOMING ELECTIONS AND THE ONGOING CONSTITUTIONAL REVIEW PROCESS

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Contents

1	Introduction	4
2	Context	5
3	Adoption of Reserved Gender Quota in South Sudan	9
	3.1 Women Representation in the Executive of the Reconstituted Transitional Government of National Unity (RTGoNU) ..	9
	3.2 Women's Representation in the Reconstituted Transitional National Legislative Assembly (RTNLA)	10
4	The Dynamics 35% Gender Quota Rule: Benefits, Pitfalls and Lessons from Other Countries ..	11
5	Short-Term Policy Recommendations	13
6	Challenges of Women's Access to Geographical Constituencies and Standing as Independent Candidates	16
7	Long-Term Policy Recommendations for Enhancing Women's Representation in South Sudan .	17
	Move from 35% Gender Quota to 50:50 Equality Principles:	17
	Widen Focus from Women to Diversity:	17
	Gender Balance in Presidential and Vice-Presidential Elections:	17
	Gender Balance and Diversity in the Council of Ministers:	18
	Electoral System Reform: Transition from FPTP to PR with a Zipper System:	18
	Promoting Gender and Diversity in Political Parties:	18
	Strengthening Women's Participation through Party Resources:	19
	Addressing Violence Against Women in Elections:	20
8	Conclusion	21

1. Introduction

South Sudan is currently undertaking significant reforms to rebuild from civil wars, including a focus on increasing women's representation in governance structures. A key component of these reforms is the introduction of a gender quota system, which reserves 35% of all decision-making positions for women. This policy brief explores the implementation and impact of the gender quota system within South Sudan's political framework and provides lessons from other countries on ways to improve it and or replace it with a more equitable mechanism.

The brief begins by providing the necessary context (Section 2), followed by an analysis of how the 35% gender quota is being applied in various of South Sudan's government bodies, including the Reconstituted Transitional Government of National Unity (RTGoNU) and the Reconstituted Transitional National Legislative Assembly (RTNLA) (Sections 3.1 and 3.2).

Further, the brief evaluates the 35% gender quota rule, examining its advantages, limitations, and insights from international experiences with similar systems (Section

4). This comparative analysis aims to highlight the effectiveness and potential areas for improvement of the quota system. Short-term recommendations for refining the implementation of the gender quota through developing an implementation and accountability framework are outlined under Section 5.0.

Additionally, the brief discusses the obstacles faced by women in accessing geographical constituencies and running as independent candidates (Section 6). For long-term enhancement of women's representation, several policy recommendations are proposed (Section 7). These include a recommendation to shift from a 35% gender quota to a 50:50 gender equality principle and the adoption of a Proportional Representation (PR) system with a Zebra/Zipper approach to navigate the challenges of the First Past the Post (FPTP) system.

In conclusion (Section 8), the brief summarizes the findings and underscores the importance of these reforms particularly in the context of the planned elections and the ongoing constitutional review process.

2. Context

South Sudanese women played significant and diverse roles alongside men during both the pre-independence war in 1956 and the civil war from 2013 to 2018 in independent South Sudan. They not only fought alongside men but also provided supplies, cared for children, and the elderly. Women lost children, husbands and relatives and lived in devastated conditions.¹ Women were also victims of sexual and gender-based violence committed by both government and rebel forces.² The voice and agency of women that have traditionally been suppressed due to cultural barriers meant that no women were directly involved as independence negotiators, peace negotiators and or as signatories of peace agreements.³ Hence, negotiations and the peace agreements were predominantly led and signed by male representatives from the warring factions while women's participation was largely limited to advisory roles from civil society organizations.⁴ This status quo is despite the fact that women constitute the majority of the population,⁵ and accounted for more than 50% of registered voters in the 2010 elections.⁶

The negotiations and the peace agreements were predominantly led and signed by male representatives from the warring factions while women's participation was largely limited to advisory roles from civil society organizations.

The marginalization of women resulted in interventions from non-state actors including international organizations calling for inclusion of women's voices both during the struggle for independence and the subsequent peace negotiations. Consequently, through advocacy, grassroots

mobilization and voter education, women played a fundamental role during the January 2011 Referendum which facilitated South Sudan's exit from Sudan.⁷

Like many countries around the world grappling with low representation of women in positions of power, South Sudan, as a newly formed nation, was no exception. Immediately after its independence, strong advocacy from Women's Rights Organisations pushed South Sudan to subscribe to the various international, regional and sub-regional agreements that among other things seek to promote the participation of women in positions of power.

South Sudan's Commitment to Promote Women's Political Participation under International, regional and Subregional

Article 4 of **CEDAW** says that countries should take special steps to speed up equal rights between men and women.

Article 7 of **CEDAW** requires countries to make sure women can vote, participate in government, and hold public offices just like men.

Article 13 of the **African Charter on Human and Peoples' Rights** states that every citizen has the right to take part in their country's government, either directly or through elected representatives.

Article 9 of the **Maputo Protocol** urges countries to take specific actions to ensure women are equally involved in politics. This includes making sure women can vote, are equally represented in elections, and have equal roles in making and carrying out government policies.

- 1 Adeogun, T. J., and J. M. Muthuki. "Feminist Perspectives on Peacebuilding: The Case of Women's Organisations in South Sudan." *Agenda* 32, no. 1 (2018): 83–92. <https://doi.org/10.1080/10130950.2018.1450572>.
- 2 Ellsberg, Mary, Jesca Ovince, Molly Murphy, Ally Blackwell, Darshak Reddy, Jenny Stennes, Tamara Hess, and Mónica Contreras. "No Safe Place: Prevalence and Correlates of Violence against Conflict-Affected Women and Girls in South Sudan." *PLoS ONE* 15, no. 6 (2020): e0237965. <https://doi.org/10.1371/journal.pone.0237965>.
- 3 Soma, Elizabeth. *Our Search for Peace: Women in South Sudan's National Peace Processes, 2005–2018*. Oxford: Oxfam International, UN Women, and Born to Lead, 2020. <https://policy-practice.oxfam.org/resources/oursearch-for-peace-women-in-south-sudans-national-peace-processes-20052018-620930/>.
- 4 Atem, A., and E. Lopa. *Young Women in Political Institutions in South Sudan: Lessons from Lived Experiences*. Juba: Friedrich-Ebert-Stiftung South Sudan Office, 2023.
- 5 Although no census has been conducted since 2008 (pre-independence), the general sentiment is that women constitute the majority of the population.
- 6 Atem, A., and E. Lopa. *Young Women in Political Institutions in South Sudan: Lessons from Lived Experiences*. Juba: Friedrich-Ebert-Stiftung South Sudan Office, 2023.
- 7 Endorsed by 98.83% of South Sudanese

Article 9(2) of the **Maputo Protocol** specifically requires countries to increase and improve women's participation in decision-making at all levels.

Objective 4.5(c) of the **East African Gender Policy, 2018**, calls on East African countries to ensure that both men and women participate equally in all areas of life, including politics.

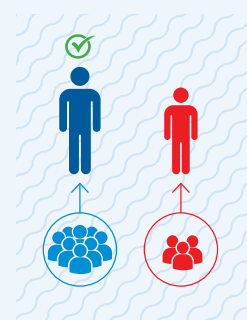
Within the African continent, South Sudan ratified to the African Charter on Human and Peoples' Rights (ACHPR) in 2013.⁸ While the Charter broadly covers human rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) which South Sudan signed in 2013 explicitly addresses women's rights, including the right to political participation.⁹ Sub-regionally, South Sudan is a member of the East African

Community (EAC), having ratified the EAC Treaty in 2016. This treaty includes commitments to gender equality and the promotion of women's rights within the East African region.¹⁰ Under the EAC, members are also bound by the East African Community (EAC) Gender Policy, 2018 which guides the promotion of gender equality and women's empowerment across the member states, including in political spheres.¹¹

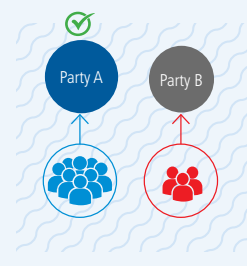
Article 4 of CEDAW and Article 9 of the Maputo Protocol require states to adopt affirmative action measures to fast-track the realization of equal representation of men and women in decision-making processes. Countries are advised to use various affirmative action mechanisms, such as gender quotas, which can include reserved seats, voluntary and/or legislated candidate quotas.¹²

Voting/Electoral Systems Explained.

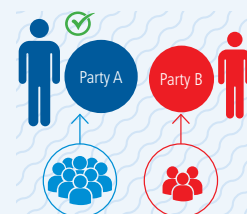
Under the First Past the Post (FPST) voting system, the candidate with the most votes in a constituency wins the election, hence sometimes known as Winner-Takes-All voting method. Under this system, each area has one winner-takes-all seat, voters choose one candidate, and the candidate with the most votes in that area wins the seat. The candidate doesn't need to secure a majority of the votes but just one more vote than any other candidate. For example, if three candidates are running and one receives 40% of the votes while the others get 30% and 20%, the candidate with 40% wins, even if they don't have more than half of the total votes.



With the Proportional Representation (PR) voting system, political parties create lists of candidates, and voters choose a party rather than a single person. Each area has several seats, so multiple representatives are elected from each party based on the party's share of the votes. This means that more than one person from each party can win a seat. Number of seats a party gets in matches the percentage of votes they receive. For example, if a party gets 30% of the votes, they get around 30% of the seats.



A mixed electoral system combines two types of voting methods to elect representatives. Typically, it uses a mix of first-past-the-post (where the candidate with the most votes wins) and proportional representation (where seats are allocated based on the percentage of votes each party gets).



8 Article 13 (1) of the African Charter provides for the right of every citizen to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law

9 Article 9 of Maputo Protocol.

10 Under section 3 (e) and Article 121 (a) of the Treaty.

11 Objective 4.5 (c) of the EAC Gender Policy, Partner States commits to promote women's participation in political and decision-making at all levels.

12 Phillips, Anne. *Which Equalities Matter?* Malden, MA: Polity Press, 1999

The choice of gender quota is often influenced by a country's voting or electoral system, which determines how votes are counted, seats are allocated and how candidates are elected. Overall, elections across the globe are undertaken either through the First Past the Post (FPTP) system; Proportional Representation (PR); and/or Mixed Voting/Electoral Systems.¹³ The type of voting system used and the choice of the type of gender quota have a significant impact on women's representation, either enhancing or hindering it.

Research shows that the most effective strategy for increasing women's political participation in Africa is to combine voluntary party quotas with the proportional representation (PR) system. Countries such as Namibia and South Africa use the proportional representation (PR) system and have achieved high levels of women's representation in their parliaments—50% and 45.5% respectively.¹⁴ This success is attributed to their implementation of gender quotas within the Zebra/Zipper System.¹⁵ As a global leader, in women's political representation (61%), Rwanda employs the 30% gender quota embedded in the PR system, and also draws additional women representatives from designated administrative units.¹⁶

Voluntary party quotas are effective in PR systems but less so in the first-past-the-post (FPTP) system, which is highly competitive and resource-dependent. In countries like Malawi, Botswana, Mauritius, and Liberia, which use FPTP with voluntary party quotas, women's representation remains below 21% in both levels of government.¹⁷ Parties often prioritize electable candidates in FPTP systems, which usually means fewer women are selected. Legislated gender quotas without enforcement mechanisms also fall short. For example, Kenya's two-thirds gender rule is still unmet, with women holding only 23% of parliamentary seats after the 2023 elections.¹⁸ Similarly, Eswatini's constitutional mandate for 30% women in Parliament resulted in just 21% representation after the 2023 elections.¹⁹ However, reserving specific constituencies for women, as seen in Uganda, has proven somewhat effective under the FPTP system, provided there are clear implementation and enforcement mechanisms. In contrast, while countries like Tanzania and Zimbabwe achieve numerical representation by reserving a percentage of seats for women and applying the PR system, women in these reserved seats often face perceptions of being less legitimate and encounter marginalization and discrimination.²⁰ Countries using the FPTP system without any quotas exhibit the lowest levels of women's representation. In Zambia, women make up 15% of both the lower house and local government.²¹ Even worse, women make up just 4% of Nigeria's Parliament.²²



Research shows that the most effective strategy for increasing women's political participation in Africa is to combine voluntary party quotas with the proportional representation (PR) system.

13 King, Charles. "Electoral Systems." Accessed September 3, 2024. http://faculty.georgetown.edu/kingch/Electoral_Systems.htm.

14 IPU, available at <https://data.ipu.org/parliament/NA/NA-LC01/data-on-women/>. Accessed September 4, 2024.

15 The Zebra/Zipper system enforces gender parity in party-list proportional representation by requiring parties to alternate between male and female candidates on their lists, ensuring a 50% representation for each gender. Larsrud, Stina, and Rita Taphorn. "Designing for Equality: Women's Quotas and Women's Political Participation." *Development* 50, no. 1 (2007): 36–42. <https://doi.org/10.1057/palgrave.development.1100333>.

16 Article 75 of the 2003 Rwandan Constitution.

17 Women's Political Participation Africa Barometer. Accessed July, 2024. <https://www.idea.int/sites/default/files/2024-07/womens-political-participation-africa-barometer-2024.pdf>.

18 IPU, available at <https://www.ipu.org/parliament/KE>. Accessed September 6, 2024.

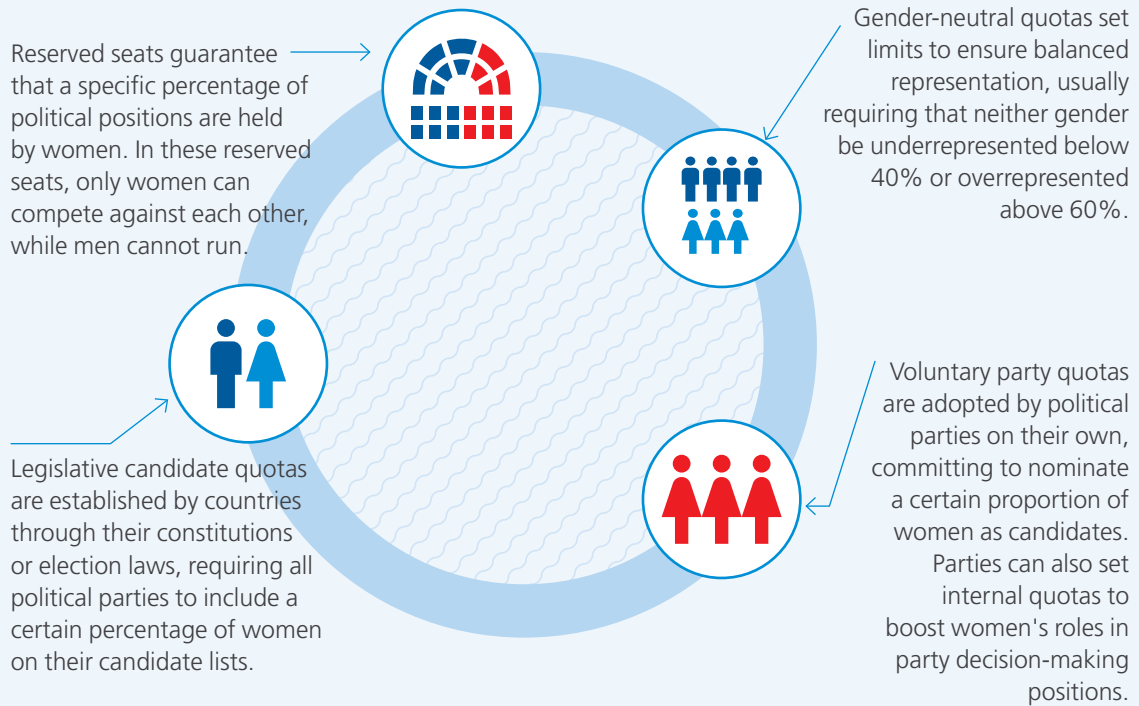
19 IPU, available at <https://www.ipu.org/parliament/SZ>, Accessed September 6, 2024.

20 Women's Political Participation Africa Barometer. Accessed July 2024. <https://www.idea.int/sites/default/files/2024-07/womens-political-participation-africa-barometer-2024.pdf>.

21 UNWOMEN, available at <https://localgov.unwomen.org/country/ZMB>. Accessed September 5, 2024.

22 IPU, available at <https://www.ipu.org/parliament/NG>. Accessed September 6, 2024.

Types of Gender Quota for Enhancing Women's Political Participation



3. Adoption of Reserved Gender Quota in South Sudan

As the civil war ravaged South Sudan from 2013 to 2015, women played a crucial role as negotiators and mediators in reaching the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS),²³ and later the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), respectively. Although there was no woman signatories during the signing of the 2005 Comprehensive Peace Agreement (CPA) between North and South Sudan,²⁴ there were two women signatories in the signing of the ARCSS and the number increased to seven of a total of 17 signatories of the R-ARCSS.²⁵

Advocacy from women, civil society and international community resulted in the 2011 Transitional Constitution of South Sudan adopting a reserved gender quota that guarantees a minimum of 25% representation for women at all levels of government.²⁶ The participation of women in 2013-2018 peace negotiations led to an increase in reserved gender quota seats from 25% to 35% in the R-ARCSS.²⁷

The Republic of South Sudan is currently under the tenure of a transitional government of national unity (RTGoNU)²⁸ which is mainly governed by the 2011 Transitional Constitution,²⁹ alongside the 2015 and 2018 peace agreements. The Transitional Government's structure

includes the executive (national, state, and local levels), the legislature and the judiciary. Despite agreements calling for 35% women's representation in all positions, implementation has been challenging.

3.1 Women Representation in the Executive of the RTGoNU

- 1. Women's Representation in the Presidency:** Women constitute 16% of the presidency in South Sudan, which includes the President, the First Vice President, and four Vice Presidents.³⁰ Among the five Vice Presidents of the Revitalized Transitional Government of National Unity (RTGoNU), there is one woman who oversees the Gender and Youth Cluster.
- 2. Women's Representation in the Council of Ministers:** The Presidency is supported by the Council of Ministers of the RTGoNU, which comprises thirty-five (35) ministries allocated to the different parties of the RTGoNU.³¹ The available data show that, by 2020, women accounted for 32% of ministerial positions.³² Typically, women are assigned to what are often considered "feminine" ministries, such as those related to social affairs, gender, or youth.³³ However,

23 Negotiated with the support of the Intergovernmental Authority on Development (IGAD)

24 The civil war concluded with the signing of the Comprehensive Peace Agreement (CPA) between the SPLA/SPLM and the Sudanese government on January 9, 2005. This agreement, mediated by the Intergovernmental Authority on Development (IGAD), a regional organization to which Sudan belongs, built upon several earlier negotiations and agreements. These included the Machakos Protocol (July 2002) and various Naivasha agreements: the security arrangements agreement (September 2003), the wealth-sharing agreement (January 2004), the power-sharing agreement (May 2004), and the protocols for resolving the Abyei conflict and the conflicts in Southern Kordofan and Blue Nile states (May 2004).

25 Tindall, T. (2022) Women's participation and influence in transitions from conflict: The case of South Sudan. ODI Country study. London: ODI <https://odi.org/en/about/our-work/the-womenpeace-and-security-agenda-breaking-down-silos/>.

26 Soma, Elizabeth. *Our Search for Peace: Women in South Sudan's National Peace Processes, 2005–2018*. Oxford: Oxfam International, UN Women, and Born to Lead, 2020. <https://policy-practice.oxfam.org/resources/oursearch-for-peace-women-in-south-sudans-national-peace-processes-20052018-620930/>.

27 Section 1.4.4 and 5.1.1 of the R-ARCSS, of 2018.

28 The Transitional Period commenced eight (8) months after signing of this Agreement and the term of office shall be thirty-six (36) months preceded by eight (8) months of a Pre-Transitional Period.

29 Based on the 2005 Interim Constitution of Southern Sudan.

30 Article 1.5.1 of the R-ARCSS, of 2018.

31 Incumbent TGoNU: 20 Ministries; SPLM/A-IO: 09 Ministries; SSOA: 03 Ministries FDs: 02 Ministries; and OPP: 01 Ministry. Article 1.10 of the of the R-ARCSS of 2018.

32 South Sudan Women's Coalition. *Implementation of the 35% Provision Revitalized Agreement on the Resolution of the Conflict in South Sudan* (R-ARCSS). Accessed September 4, 2024. <https://www.undp.org/sites/g/files/zskgke326/files/migration/ss/Gender-Matrix-RARCSS-South-Sudan-April-2020.pdf>.

33 Lopidia, Rita M. "South Sudanese Women at the Peace Table: Violence, Advocacy, Achievement and Beyond." Accessed September 5, 2024. http://www.zambakari.org/uploads/8/4/8/9/84899028/11_south-sudanese-women-at-the-peace-table.pdf.

under the RTGoNU, there is a notable exception with the appointment of Angela Teny as the female Minister of Defense from 2020 to 2023, who is now re-assigned as Interior Minister, indicating progress in breaking traditional gender roles within the government. The South Sudan Executive also includes ten (10) Deputy Ministerial portfolios, which are likewise allocated to the parties of the RTGoNU.³⁴ However, the Peace Agreement does not specify the required percentage of women among the Deputy Ministers, and there is no formal mandate to ensure their representation in these roles.

- 3. Women Representation at the State and Local Government:** South Sudan's local government is structured into four tiers: states, counties, payams, and bomas. Although the 35% gender quota is somewhat applied nationally, local implementation is inconsistent. Overall, data on women's representation across the RTGoNU, National Legislative Assembly, states, counties, payams, and bomas is sparse due to inconsistent documentation tracking the constant changes made through decrees.

3.2 Women's Representation in the RTNLA

The Reconstituted Transitional National Legislative Assembly (RTNLA) of South Sudan consists of two houses: the Transitional National Legislative Assembly (TNLA) and the Council of States.³⁵ The RTNLA, which is composed of 550 members, including those elected in 2010 election, the inherited seats³⁶ and those nominated by parties of the Revitalized Transitional Government of National Unity (RTGoNU).³⁷

The 35% gender quota applies to obtaining members of the legislature and is exercised through exclusive women's party-list-based proportional representation system. Of the 100 members of the Council of States, only 26 are women (26%) and of the 550 members of the TNLA, only 171 are women (32%).³⁸ The leadership structure of the TNLA includes a speaker and three Deputy Speakers, with a requirement that one of the Deputy Speakers must be a woman.³⁹ As of August 2024, the TNLA is headed by a female Speaker, a significant achievement for women's leadership in South Sudan.

34 Incumbent TGoNU: five (5) Deputy Ministers, SPLM/A-IO: three (3) Deputy Ministers, SSOA: one (1) Deputy Minister, OPP: one (1) Deputy Minister. Article 1.11.2 of the R-ARCSS the Deputy Ministers oversees portfolio related to Cabinet Affairs; Foreign Affairs and International Cooperation; Defence; Interior; Justice and Constitutional Affairs; Finance and Planning; Agriculture and Food Security; General Education and Instruction; Public Service and Human Resources Development; and Information, Communication, Technology and Postal Services.

35 Article 1.14 of R-ARCSS, 2018.

36 Inherited seats in the South Sudan parliament refer to those occupied by individuals who have replaced deceased parliamentarians originally elected in the 2010 general elections.

37 According to Article 1.14.2 of the R-ARCSS, 2018, the incumbent TGoNU compose of three hundred and thirty-two (332) members, SPLM/A-IO: one hundred and twenty-eight (128) members. SSOA: fifty (50) members. OPP: thirty (30) members. FDs: ten (10) members.

38 Available at IPU Monthly ranking, from https://data.ipu.org/women-ranking/?date_month=6&date_year=2024. Accessed August 15, 2024.

39 One Deputy Speaker is nominated by SPLM/A-IO; another, who shall be a woman, is nominated by the Incumbent TGoNU; and a third Deputy Speaker to be nominated by OPP.

4. The Dynamic 35% Gender Quota Rule

The inconsistent application of 35% gender quota at the executive and legislature levels in South Sudan points to the absence of an implementation and accountability framework. Currently, the President and the parties to the peace agreement exercise absolute discretion in appointing women to meet the 35% gender quota. Despite the fact that nearly all positions in the transitional government are appointed, the absence of an implementation and accountability framework for the 35% gender quota undermines its effectiveness.

At present, the primary beneficiaries of the 35% gender quota are women with close ties to power. To increase their chances of being nominated, women often need to come from privileged backgrounds, such as being members of the liberation struggle, or having influential male relatives who advocate for them within political parties.⁴⁰ In some cases, women are subjected to exploitation and corruption, including sexual⁴¹ exploitation, to secure appointments.

The lack of an implementation framework for the 35% gender quota also limits the diversity of women represented in these positions. Young women, women with disabilities, and other minority groups are frequently excluded from the nomination process. As a result, older women, who have more experience navigating party structures, tend to dominate the available seats. The dominance of older women in these roles can lead to underperformance and perpetuate negative stereotypes about gender quotas and the women's political participation agenda.⁴²

Additionally, the perception that some women secure their positions through unethical means, particularly through sexual favors to those in power, further undermines the legitimacy of the quota system and the credibility of the women appointed under it.

Given the South Sudan context where no election has been held since the 2011 independence, it's difficult to fully appreciate the dynamics through which the reserved

gender quota system has operated. However, the lessons from Tanzania and Zimbabwe, whose reserved gender quota seats are similar to that of South Sudan, can offer valuable lessons, both in terms of benefits and pitfalls.

The benefits of reserved gender quota system include increasing women's representation, changing community mindsets of roles of women in public spheres, facilitating the passage of gender-sensitive laws, providing political role models, facilitating women's ability to vie and win in geographical seats and enabling women to attain ministerial appointments.⁴³ In Tanzania, for example, women initially held only 10% of elected parliamentary seats after the 2020 elections, but reserved seats increased their women's representation in Parliament to 37.4%.

Women parliamentarians including those of quota seats have played a key role in advancing gender-transformative laws across various sectors, including sexual offences, health, education, employment and political participation. Notably, the recent legislation against violence in elections (Section 135 of the 2024 Presidential, Parliamentary, and Councilors Act) reflects their influence. Reserved seats have also enabled women to achieve higher political roles; for instance, President Samia Suluhu Hassan began her career in reserved seats, moved to a constituency seat, became Vice President, and eventually President after John Magufuli's death. However, experiences from Tanzania and Zimbabwe suggest that reserved gender quotas can also have significant drawbacks.

While the implementation of reserved quotas seats is intended to increase women's representation, but it often comes with unintended consequences including: -

Unspoken Presumption of Gender Quotas and Constituency Seats: There is a common but unspoken belief that gender quotas for reserved seats imply that constituency seats are reserved for men. Political parties often steer women toward reserved seats, discouraging

40 Interview with a woman MP, via Zoom Platform, August 9, 2024.

41 Interview with a woman MP, via Zoom Platform, August 9, 2024.

42 Interview with a woman MP, via Zoom Platform, August 9, 2024.

43 Lihiru, Victoria. "The 2020 Chadema Special Seats Dispute in Tanzania: Does the National Electoral Commission Comply with the Law?" *Journal of African Elections* 20, no. 2 (2021): 102–19. <https://doi.org/10.20940/JAE/2021/v20i2a6>.

them from competing for constituency positions. For example, in Zimbabwe, since the introduction of gender quotas in 2013, parties like ZANU-PF and MDC-Alliance have discouraged women from running for First-Past-the-Post (FPTP) seats, arguing they already have guaranteed quota seats.⁴⁴ Similarly, in South Sudan, there is a belief that women should stick to the 35% quota seats, leaving constituency seats for men. This assumption undermines the intent of the quota system, which is to complement, not replace, women's representation in mainstream seats. As a result, women often prefer quota seats, which are seen as easier to secure, over competitive mainstream seats. In Zimbabwe, this preference has led to a decline in women elected from FPTP constituencies—from 34 in 2013 to just 22 in 2023.⁴⁵

Nomination of Weak Candidates: Political parties often view quota seats as a means to strengthen their political power rather than promote gender equality, hence they select candidates who will support the status quo rather than challenge it.⁴⁶ With reserved gender quota seats in Tanzania, political parties often nominate women who are loyal party stalwarts, whose ability to drive gender transformation is limited, but who work to defend party interests.⁴⁷

Disconnect Between Quota Seat Holders and the Electorate: While gender quotas are meant to shift public perceptions about women leaders, in practice, reserved quota seats may not effectively achieve this goal. Women who occupy these seats are nominated by their political parties and often lack a direct connection with the electorate. As a result, they tend to be accountable to the party rather than to the people, including other women. This disconnect distances women leaders from the citizens they are supposed to represent. In countries like Tanzania and Zimbabwe, quota parliamentarians often prioritize party interests over those of the electorate or women, largely as a strategy to maintain their positions and secure future nominations.⁴⁸

To navigate these anticipated challenges, below are the short-term policy recommendations aimed at ensuring meaningful women's political participation in the planned elections and a few years after. These recommendations focus on ways to effectively implement the 35% gender quota within the existing electoral system, without requiring changes to the system itself.

44 Lihiru, Victoria. "Domestic and International Law Contradictions in Zimbabwe's Gender Quota System." *African Human Rights Law Journal* 24 (2024): 127–46. <https://doi.org/10.17159/1996-2096/2024/v24n1a6>.

45 Ibid.

46 Bjarnegård, Elin, and Pär Zetterberg. "Gender Equality Reforms on an Uneven Playing Field: Candidate Selection and Quota Implementation in Electoral Authoritarian Tanzania." *Government and Opposition* 51, no. 3 (2016): 464–86. <https://doi.org/10.1017/gov.2016.10>.

47 Lihiru, Victoria. "The 2020 Chadema Special Seats Dispute in Tanzania: Does the National Electoral Commission Comply with the Law?" *Journal of African Elections* 20, no. 2 (2021): 102–19. <https://doi.org/10.20940/JAE/2021/v20i2a6>.

48 Badri, Balghis, and Sarah El Nagggar. *The Quota in Sudanese Electoral Law: Achievements or Challenges and Lessons Learned*. Omdurman: Ahfad University for Women, Regional Institute of Gender, Diversity, Peace, and Rights, 2013.

5. Short-Term Policy Recommendations

The challenges of 35% gender quota highlighted above warrants South Sudan to consider the following policy recommendations to ensure meaningful women's participation in the planned elections. It is paramount for South Sudan's Ministry of Gender, in consultation with relevant stakeholders to develop a comprehensive framework for the implementation of the 35% women's quota that should include the following considerations:

1. **The framework should contain a clear stipulation that the 35% gender quota applies to all positions—whether elected, nominated, or appointed—across all government and non-governmental institutions.**
The framework should make it mandatory for the President to ensure all the appointments from the executive (council of ministers and deputy ministers) to states (State Governors) to other appointments in other government institutions comply with a 35% gender rule. A mechanism should be put in place to ensure that, at county level, the appointment of county commissioners by state governors, and the appointment of Payam administrators by country commissioner also strictly comply to 35% gender rule.
2. **A dedicated institution to monitor the implementation of 35% gender quota:** Currently, the 35% gender quota is not fully implemented, and there is no clear accountability. Political parties and other government institutions are falling short of meeting the gender quota threshold, replacing women leaders with men, often arguing that there are no competent women available for appointments.⁴⁹ However, they are not being held accountable for their failure to adhere to the mandated quotas. CEDAW advises that the responsibility for designing, implementing, monitoring, evaluating, and enforcing any form of Temporary Special Measures (TSM), of which quota seats are a part, should be vested in existing or planned national institutions, such as women's ministries, women's departments within ministries, presidential offices, ombudspersons, tribunals, or other entities with the appropriate mandate.⁵⁰ Although a gender ministry exists in South Sudan, it has not been effective in holding institutions accountable for failing to implement the 35% gender quota rule, mainly due to capacity and financial challenges.⁵¹ Therefore, an existing department within South Sudan's Ministry of Gender should be designated with the role of overseeing the implementation of the 35% gender quota rule.
3. **To effectively implement the 35% gender quota in the national and state assemblies, the framework should include several key components:**
 - a. **Diverse Representation:** The Gender Quota Implementation Framework could establish a clear mechanism to ensure the representation of diverse groups of women on the party list. This includes young women, women with disabilities, women from different educational backgrounds, and women from rural, peri-urban, and various ethnic groups. By ring-fencing seats for these groups, the framework will prevent the dominance of older, well-connected women and ensure fair representation across different demographics. For example, in Zimbabwe, quota seats were initially dominated by older women who lacked the energy, capacity, or interest to drive gender transformation. These seats were nicknamed "retirement seats." This called for the amendment of Section 124 of Zimbabwe's 2013 Constitution to require political parties to ensure that 10 of the 60 quota seats are filled by women under the age of 35, and that women with disabilities are also represented.
 - b. **Citizen Involvement:** Currently, in South Sudan, women for quota seats are appointed by the political parties, with no citizen involvement. The Gender Quota Implementation Framework should include mechanisms for

⁴⁹ Interview with a woman MP, via Zoom Platform, August 9, 2024.

⁵⁰ CEDAW, General Recommendation No. 25 on Article 4 (thirtieth session, 2004).

⁵¹ Interview with a woman MP, via Zoom Platform, August 9, 2024.

citizen involvement in the nomination/election of women for quota seats and the geographical areas they will represent. This will help the nominated women build a connection with the electorate, which is crucial for gaining public acceptance and for transitioning to competitive seats in future elections. For instance, the 2010 Kenyan Constitution mandates the reservation of 47 seats in the National Assembly for women, with one seat allocated to each of the 47 counties.⁵² In this system, only women can contest these seats, citizens vote for them and a woman with the most votes wins. Similarly, Uganda's 553-member parliament includes 145 district women representatives. These women are directly elected by all voters through a special ballot in each district, exclusively for women candidates.⁵³

- c. Term Limits:** The framework for implementation of 35% gender quota seats should establish term limits for women serving as parliamentarians under the quota system. Without term limits, the quota seats may benefit only a small group of women, rather than building the political capacities and experiences of a broader range of women who could then transition to competitive constituencies. For instance, in Tanzania, the absence of term limits has allowed some women to occupy special seats for up to 20 years. About 10% of women have been able to successfully transition to competitive constituencies since reserved gender quota was established in 1995.⁵⁴ In contrast, Zimbabwe's quota system was initially made to operate for ten years from 2013 to 2023, and has now been extended for another ten years, providing a time to reflect on the success of reserved seats and if continuation is important.⁵⁵
- d. Non-Discrimination on Leadership Opportunities:** The Gender Quota Implementation Framework should include a clear non-discrimination clause to protect women on the quota list from any form of bias. The framework should explicitly guarantee that women in quota seats are eligible for leadership roles in all committees and other positions within both parliament and local governments, without discrimination. According to CEDAW, temporary measures should not perpetuate further marginalization or discrimination against women.⁵⁶ However, without explicit prohibitions, discrimination against women in these positions has been observed. For example, in Tanzania, women from quota seats are ineligible to be appointed as prime minister because only elected members of parliament qualify.⁵⁷ Additionally, at the local government level, guidelines often restrict special seats councillors from participating in key committees or holding leadership roles, such as mayors or chairpersons of councils.⁵⁸ This exclusion goes against Article 4 of CEDAW, which says that temporary measures should be used to promote equality without continuing discrimination. South Sudan should avoid this pitfall.
- e. Equal Financial Entitlement:** The 35% Gender Quota Implementation Framework should establish equal financial entitlement between the elected and appointed seats. In Tanzania, quota parliamentarians are excluded from receiving Constituency Development Funds (CDF). Elected members of Parliament receive approximately 40,000,000 Tsh (about \$20,000) as constituency funds. However, women in reserved seats are ineligible for these funds under the assumption that they do not represent specific constituencies. In Kenya, elected members of Parliament receive Ksh60 million (\$600,000) annually to fund development projects in their constituencies. However, women representatives from designated women-only constituencies receive significantly less, with only Ksh7 million allocated for their use.⁵⁹ This exclusion directly contradicts Article 4 of CEDAW, which advocates for temporary measures to promote equality without reinforcing discrimination.

⁵² Article 97 1 (b) of the Kenyan Constitution, 2010.

⁵³ Article 78(1)(b) of the Constitution of Uganda, 1995.

⁵⁴ Lihiru, Victoria. "The 2020 Chadema Special Seats Dispute in Tanzania: Does the National Electoral Commission Comply with the Law?" *Journal of African Elections* 20, no. 2 (2021): 102–19. <https://doi.org/10.20940/JAE/2021/v20i2a6>.

⁵⁵ Lihiru, Victoria. "Domestic and International Law Contradictions in Zimbabwe's Gender Quota System." *African Human Rights Law Journal* 24 (2024): 127–46. <https://doi.org/10.17159/1996-2096/2024/v24n1a6>.

⁵⁶ Article 4 of CEDAW.

⁵⁷ Article 51 (2) of the 1977 Constitution of the United Republic of Tanzania.

⁵⁸ Article 4 of CEDAW

⁵⁹ Houreld, Katharine. "Women Candidates Face Curses and Worse in Kenyan Elections." *Reuters*, July 30, 2020. <https://www.reuters.com/article/us-kenya-election-women/women-candidates-face-curses-and-worse-in-kenya-elections-idUSKBN1AK1E1>.

With lessons from Kenya and Tanzania, South Sudan's 35% Gender Quota Implementation Framework should ensure equal financial entitlements for both elected and appointed representatives.

- f. Defined Geographical Areas for Quota Seats:** Currently, women appointed to quota seats are expected to operate within their states and respective counties. However, there is significant variation in how these quota seats are allocated across states, raising concerns about uniformity and equity. For example, Central Equatoria State, comprising six counties, has achieved balanced representation, with each county being represented by a quota MP. In contrast, Eastern Equatoria State, with its eight counties, has only five women quota MPs, leaving three counties unrepresented. This disparity highlights a lack of uniformity in the allocation and functioning of quota MPs across geographical areas within states. To ensure fair and uniform representation, it is essential to standardize the allocation of quota seats across all states and counties, ensuring each region has equitable representation. Regular monitoring and adjustments based on regional needs, along with improved transparency in the allocation process, will help maintain fairness and balance in quota seat distribution. In Kenya, each of the 47 counties has a designated women representative in the National Assembly.⁶⁰ These representatives are elected to advocate for women's interests and ensure gender-balanced representation at the national level. Similarly, Uganda's 553-member parliament includes 145 district women representatives directly elected by all voters through a special ballot in each district.⁶¹
- g. Defined Relationships Between Quota and Elected Seats:** The implementation framework for South Sudan's 35% Gender Quota should establish clear guidelines delineating the roles and relationships between quota parliamentarians and those in elected seats. While the potential for conflict between quota MPs and elected MPs has not been an issue in South Sudan—primarily because all MPs are appointed—the experiences of Tanzania and Zimbabwe offer valuable lessons. In these countries, elected MPs often feel threatened by quota MPs, fearing that they might establish political bases in their constituencies and challenge them in future elections. Consequently, some MPs require quota MPs to seek permission before engaging with constituents. To prevent such conflicts, South Sudan's 35% Gender Quota Implementation Framework should clearly define the geographical areas where quota parliamentarians will operate and outline their roles in relation to elected parliamentarians. In Uganda, the 145 district women representatives in the parliament are elected through a special ballot in each district, meaning they are responsible for representing the interests of women specifically within their respective districts. Their role is to advocate for gender-related issues and ensure that women's perspectives are included in national legislation and conversation. In contrast, constituency MPs in Uganda represent geographical constituencies, focusing on the needs and concerns of their entire constituency, which may include a mix of gender issues among other local matters. Their responsibility covers a broader range of topics affecting all constituents, not just women.

⁶⁰ Article 97 of the Constitution of Kenya, 2010.

⁶¹ Article 78(1)(b) of the Constitution of Uganda, 1995.

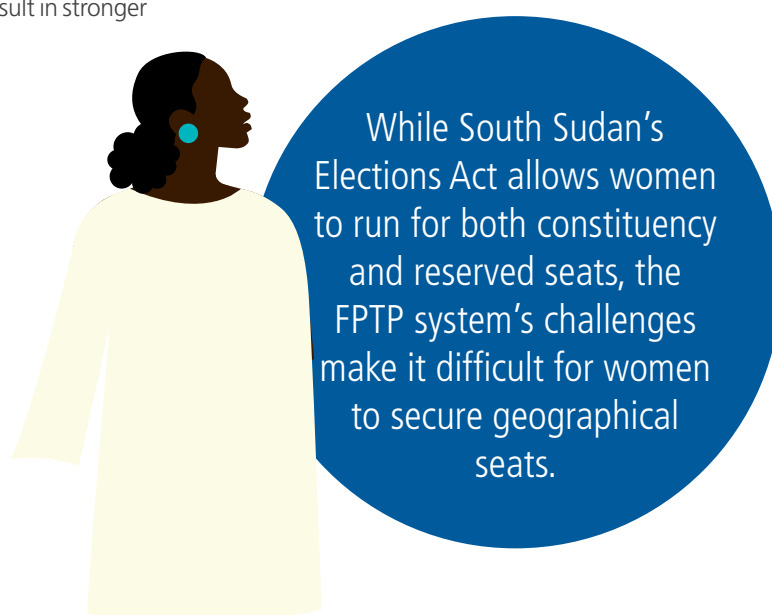
6. Challenges of Women's Access

While South Sudan's Elections Act, 2023 includes a 35% gender quota, it also allows women to run for geographical constituencies through the First-Past-the-Post (FPTP) system or as independent candidates.⁶² However, concerns exist that women will prefer reserved seats due to challenges such as high illiteracy rates, limited financial resources, weak political networks, strong traditional and religious beliefs, a violent political culture, and the burden of unpaid care work. Additionally, women often need their husbands' permission to engage in constituency politics, and political parties are expected to direct women toward reserved seats, even if led by women.⁶³ South Sudan's women are likely to struggle in winning geographical seats due to the following reasons:

- a. The R-ARCSS and National Elections Act (Amendment 2023) do not address how entrenched social, economic, and cultural beliefs hinder women from competing for or winning geographical seats.
- b. The 35% gender quota does not operate in designated geographical constituencies for women.
- c. Political parties rarely have voluntary candidate quotas and fear that nominating women may result in stronger male opponents.

- d. Concerns exist that women, if nominated, will be placed in large, rural, and challenging constituencies, reducing their chances of success.⁶⁴

As a result, while South Sudan's Elections Act allows women to run for both constituency and reserved seats, the FPTP system's challenges make it difficult for women to secure geographical seats. Obstacles in securing nominations are likely, even from women-led parties.⁶⁵ Consequently, women's representation in assemblies will likely come primarily from reserved seats, which do not enhance their power or electability. Tanzania and Zimbabwe show that pairing reserved seats with the option for women to run in geographical constituencies does not result in equal representation of women in national assemblies. For example, while the Tanzanian parliament has 37.4% of women, only 10% of the 264 are elected members. Overall, the combined difficulties with reserved seats and geographical constituencies undermine meaningful representation of women in South Sudan's political system, calling for long-term policy recommendations.



⁶² Section 70 of the Elections Act of 2023.

⁶³ Interview with a leader of Women Rights Organisation, via Zoom Platform, August 9, 2024.

⁶⁴ Interview with a woman MP, via Zoom Platform, August 8, 2024.

⁶⁵ Interview with a woman MP, via Zoom Platform, August 8, 2024.

7. Enhancing Women's Representation in the Long-Term

By mirroring the challenges of reserved seats, the difficulties in a FPTP geographical seats, and the barriers faced by independent candidates, particularly in light of the possibility of South Sudan holding elections in the near future and the ongoing constitutional process, this Policy Brief makes suggestions for South Sudan to consider a shift from a 35% gender quota to a 50:50 gender equality principle, and a change from the current First-Past-the-Post electoral system to a Proportional Representation system. The suggested changes, if included in the new Constitution would not only support greater gender inclusivity but also

help unify the fragmented country and enhance electoral integrity. Currently, many positions are occupied by former generals and soldiers. Increasing female representation would not only promote gender equality but also bring more civilians into leadership roles, enhancing the overall governance. The brief also makes recommendations on how to enhance women's representation in political parties, including the utilization of party resources to promote women's political representation and measures to curb violence against women in elections.

Move from 35% Gender Quota to 50:50 Equality Principles: South Sudan should adopt a 50:50 gender equality agenda because its current 35% gender quota falls short of the international target for equal representation in decision-making roles. This target does not align with global commitments under CEDAW, the Maputo Protocol, the EAC Treaty, and Goal 5 of the Sustainable Development Goals. As discussions about the new constitution unfold, a conversation about potential transition from a 35% to a 50:50 gender equality principle is essential. Adopting the 50:50 principle in the new Constitution will align South Sudan with global women's representation targets and drive transformative change by embedding parity as one of its core governance principles.

Widen Focus from Women to Diversity: The current efforts in South Sudan have been predominantly centered on the inclusion of women. While the 50:50 gender equality principle is vital, it is equally important to ensure that this principle is inclusive of a diverse representation among both men and women. The new constitution should carefully consider and guarantee the participation of not only young and older individuals but also those living with disabilities, and people from varied educational backgrounds, ethnicities, and geographical regions. This holistic approach will foster a truly inclusive and representative political landscape in South Sudan. For example, in 2024, the 11th Parliament of Uganda comprises 553 including 353 constituency representatives and 145 district women representatives, who are elected by all voters in each district to ensure gender inclusivity at the local level. Additionally, the Parliament features 10 representatives from the Uganda People's Defense Forces (two must be women), 5 youth representatives (one must be a woman), 5 representatives of persons with disabilities (one must be a woman), 5 workers' representatives (one must be a woman), and 5 older persons' representatives (one must be a woman), all contributing to a broad diversity of voices and experiences.

Gender Balance in Presidential and Vice-Presidential Elections: With the 50:50 principle in mind, the new constitution should require political parties to alternate their candidates for the positions of President and Vice President based on gender. For example, if a woman is nominated for the presidency, a man should be nominated for the vice-presidency, and vice versa. This would ensure gender balance at the highest levels of government and set a precedent for gender parity in leadership roles.

Gender Balance and Diversity in the Council of Ministers: The constitution should mandate equal representation

of men and women in the Council of Ministers, including Deputy Ministers. Beyond gender parity, it is essential to ensure that this representation reflects the diversity of South Sudan as a nation. This includes considering factors such as age, disability, educational background, ethnicity, and geographical origin in the appointments of Ministers and Deputy Ministers. By doing so, the Council of Ministers would not only achieve gender balance but also enhance an inclusive and representative government that reflects the rich diversity of South Sudan and ensure diverse perspectives are integrated into executive decision-making.

Electoral System Reform: Transition from FPTP to PR with a Zipper System: The First-Past-the-Post (FPTP) electoral system currently in use has significant drawbacks, particularly for women and other marginalized groups. It is characterized by adversarial campaigns, voter bias, and a winner-takes-all approach that often excludes women from winning constituency seats. The system's inherent challenges include cultural norms that favor male candidates, the high cost of campaigns, and the prevalence of violence against women candidates. The ongoing consultations and conversations on the new Constitution should bring to the fore the need of South Sudan to transition to a Proportional Representation (PR) electoral system, coupled with a Zebra/Zipper System. The change from a FPTP to a PR electoral system in 2023, drastically increased the number of women in Sierra Leone's parliament from 12.32% in the 2018 elections to 30.37%.⁶⁶ The PR system allows for multiple representatives from larger constituencies and tends to be more inclusive of women and other marginalized groups. Zebra approach embedded in PR electoral system, ensures party lists alternate between male and female candidates. This would ensure women are placed in electable positions and increase their chances of winning seats. Namibia and South Africa, both utilizing PR system, have successfully achieved high levels of female representation in their parliaments, with women holding 50% and 45.5% of seats, respectively. In Senegal, Electoral Law⁶⁷ requires that all candidate lists for general elections achieve gender parity. Specifically, candidate lists must alternate between male and female candidates, a requirement, that has led to women constituting 46% of the parliament.⁶⁸ Lists that do not meet these criteria are disqualified, ensuring greater gender balance in the legislative body. The PR system, when combined with the Zipper/Zebra approach, will offer several significant benefits for South Sudan: it will eliminate the challenges associated with the 35% gender quota by ensuring a 50:50 gender equality principle in all party-list seats, thus facilitating a more equitable representation; it reduces voter bias by allowing voters to cast ballots for parties rather than individuals, which helps in increasing women's electoral chances; it typically boosts voter turnout as voters feel their votes are more impactful, prompting parties to engage more extensively with diverse groups including women; it promotes peaceful elections by minimizing direct competition among candidates, which is particularly advantageous for women; and it addresses gender bias and violence by creating a less adversarial environment compared to the FPTP system, thereby reducing the violence often faced by women candidates and encouraging greater female participation in politics. Lastly, the PR system combined with the Zipper/Zebra approach would lead to a more civil government by promoting gender equality, increasing civilian representation in positions of power that are currently dominated by former generals and soldiers.

Promoting Gender and Diversity in Political Parties: The Political Parties in South Sudan are renowned for disrespecting the 35% gender quota, citing that there are no competent women to take on leadership positions. Changes should be engineered in South Sudan's Political Parties Act, 2022 to require that: -

- a. During the registration and lifetime of the political party, there should be 50% representation of women in party leadership positions at all levels. For example, Kenya's Political Parties' Act of 2011 includes specific gender representation requirements for leadership positions. For example, Section 7 of the Act stipulates that a provisionally registered political party can only attain full registration if its governing body meets certain criteria, including reflecting regional and ethnic diversity, achieving gender balance, and representing special interest groups. Additionally, the law mandates that no more than two-thirds of the members of a party's governing

66 Lihiru, Victoria. "The 30% Gender Quota Law in Sierra Leone: A Game Changer for Women's Access to Parliament?" *African Journal of Legal Studies* 16, no. 3 (2024). Accessed September 5, 2024. <https://brill.com/view/journals/ajls/16/3/ajls.16.issue-3.xml>.

67 92-16 of 1992, amended by Law 2012-01 of 2012, Article L.145.

68 IPU, available at <https://www.ipu.org/parliament/SN>, Accessed September 5, 2024.

body can be of the same gender. In Angola, Article 13.3.3 of the National Union for Total Independence (UNITA) Constitution stipulates that, after verifying other requirements for candidates to party organs and bodies, lists must include at least 50% female representation and no less than 30% youth representation.

- b. Political parties should be mandated by law to ensure equal representation of men and women in candidate lists. In Burkina Faso, the law requires that “candidate lists for legislative or municipal elections must alternate between men and women.”⁶⁹
- c. Political parties in South Sudan should be mandated by law to have a gender policy that articulates its commitments to enhancing access and representation of women in party processes and leadership positions. Although it is still early to measure its effectiveness, in Tanzania, the Political Parties Affairs Laws (Amendment) Act, 2024,⁷⁰ requires that all parties throughout their registration have a Gender Equality and Social Inclusion Policy that should include all issues relating to provisions relating to programs for promotion of gender and social inclusion; provisions relating to programs for capacity building for women, youth and persons with disability to become leaders in or outside the party as well as provisions relating to gender and social inclusion desk for coordinating the implementation of gender and social inclusion laws and policies and handling complaints regarding gender issues.”
- d. Political parties in South Sudan should be required to keep disaggregated data of their members, leaders, aspirants, and candidates covering aspects of name, sex, age, disability, level of education, location etc. At the moment, political parties don’t have age and sex-segregated data on their current membership and leadership positions. Requiring political parties to keep gender-disaggregated data is essential in identifying gaps in representation, promoting transparency, and supports the creation of targeted strategies to enhance women’s representation and diversity in political parties. In Tanzania, the Presidential, Parliamentary and Councilors Elections (PPCE) Act requires candidates’ nomination forms to capture the name, sex, disability status, and location of the aspirant.⁷¹

Strengthening Women’s Participation through Party Resources: Finances play a crucial role in promoting the participation of women in politics. In countries like Kenya and Tanzania, political parties receive funding in the form of subventions or subsidies to support party-building initiatives. Although more has to be done for full implementation, Section 26 of Kenya’s Political Parties Act mandates that funds allocated to registered political parties be used to promote the representation of women, persons with disabilities, youth, ethnic minorities, and marginalized communities in Parliament and county assemblies, as well as to encourage active citizen participation in political life. Additionally, Article 25 (1) of the Act requires that 15% of the Fund be distributed proportionately to parties based on the number of candidates from special interest groups elected. Moreover, Article 25 (2) ensures that a party is ineligible for funding if more than two-thirds of its registered office bearers are of the same gender or if it lacks representation of special interest groups in its governing body. To foster greater inclusivity and gender parity in political participation, it is essential for South Sudan to adopt similar financial mechanisms that incentivize political parties to actively promote the representation of women and other marginalized groups in leadership positions of the party and in elections.

Addressing Violence Against Women in Elections: Globally, violence against women in elections (VAWE) is an alarming and growing trend that undermines both the electoral integrity and the fundamental rights of women to participation. In South Sudan, women who engage in politics face violence through being targeted, policed, harassed. e.g. including sexual harassment and name-calling.⁷² In South Sudan, the new envisaged constitution

69 Women’s Political Participation Africa Barometer. Accessed July 2024. <https://www.idea.int/sites/default/files/2024-07/womens-political-participation-africa-barometer-2024.pdf>.

70 Section 10C and Schedule 3 of the Political Parties Affairs Laws (Amendment) Act, 2024

71 Section 34 (3) and 60 (2) (a).

72 Interview with a woman MP, via Zoom Platform, August 9, 2024.

and subsequently the electoral laws should criminalize all forms of violence against women, particularly in the political and electoral contexts. This should include physical, psychological, and online violence, as well as any actions intended to intimidate or deter women from participating in elections, whether as candidates, voters, or activists. For example, although it's early to measure its effectiveness, Tanzania's recently passed 2024 Presidential, Parliamentary, and Councilors Act introduced Section 135, which specifically designates VAWE as an electoral offense. South Sudan could adopt a similar approach, ensuring that envisaged new constitution and electoral laws offer robust protections against VAWE, with mechanisms for reporting and prosecuting such offenses, clear penalties for perpetrators, and support systems for victims. Additionally, these legal measures should be complemented by awareness campaigns and educational programs aimed at preventing VAWE so that South Sudan can create a safer and inclusive environment for women in politics, ultimately strengthening the democratic process.

8. Conclusion

This policy brief emphasizes the crucial need to enhance women's political participation in South Sudan as a key component of the nation's democratic development. The introduction of a reserved 35% gender quota represents a significant advance towards achieving greater gender balance in political representation. However, while the 35% gender quota has increased female representation, its implementation within the Reconstituted Transitional Government of National Unity (RTGoNU), the Reconstituted Transitional National Legislative Assembly (RTNLA), states, counties, payams, and bomas has highlighted both its potential and limitations.

The analysis shows that while gender quotas can offer short-term benefits, they must be supported by comprehensive strategies to address underlying systemic issues and promote broader gender equality. Effective implementation of the quota requires a robust implementation and accountability framework that ensures strict adherence to the 35% target across all government positions, grants quota women electability status in designated geographical areas, incorporates mechanisms for monitoring and accountability and guarantees diverse representation among women in these roles.

South Sudan's Elections Act, 2023 presents both opportunities and challenges for women's representation. Although the legislation includes the 35% gender quota, it also allows women to run for geographical constituencies and as independent candidates. Nonetheless, women face significant obstacles in competing for geographical seats due to entrenched social, economic, and cultural barriers. These include high illiteracy rates, limited financial resources, traditional beliefs, and the adversarial nature of the First-Past-the-Post (FPTP) system, which tends to favor male candidates. To improve women's chances in elections, it is recommended to shift from a 35% gender quota to a 50:50 gender equality principle and to adopt a Proportional Representation (PR) system with a Zebra/Zipper approach. These changes would provide a more equitable platform for women, address challenges associated with the FPTP system and foster a more inclusive political environment. It will also foster a more civil government, enhance governance, and increase civilian representation while promoting gender equality. The upcoming constitutional review offers a critical opportunity to embed these reforms and advance gender equality in South Sudan's political framework.

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WOMEN'S POLITICAL PARTICIPATION IN SOUTH SUDAN

RECOMMENDATIONS FOR THE FORTHCOMING ELECTIONS
AND THE ONGOING CONSTITUTIONAL REVIEW PROCESS



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