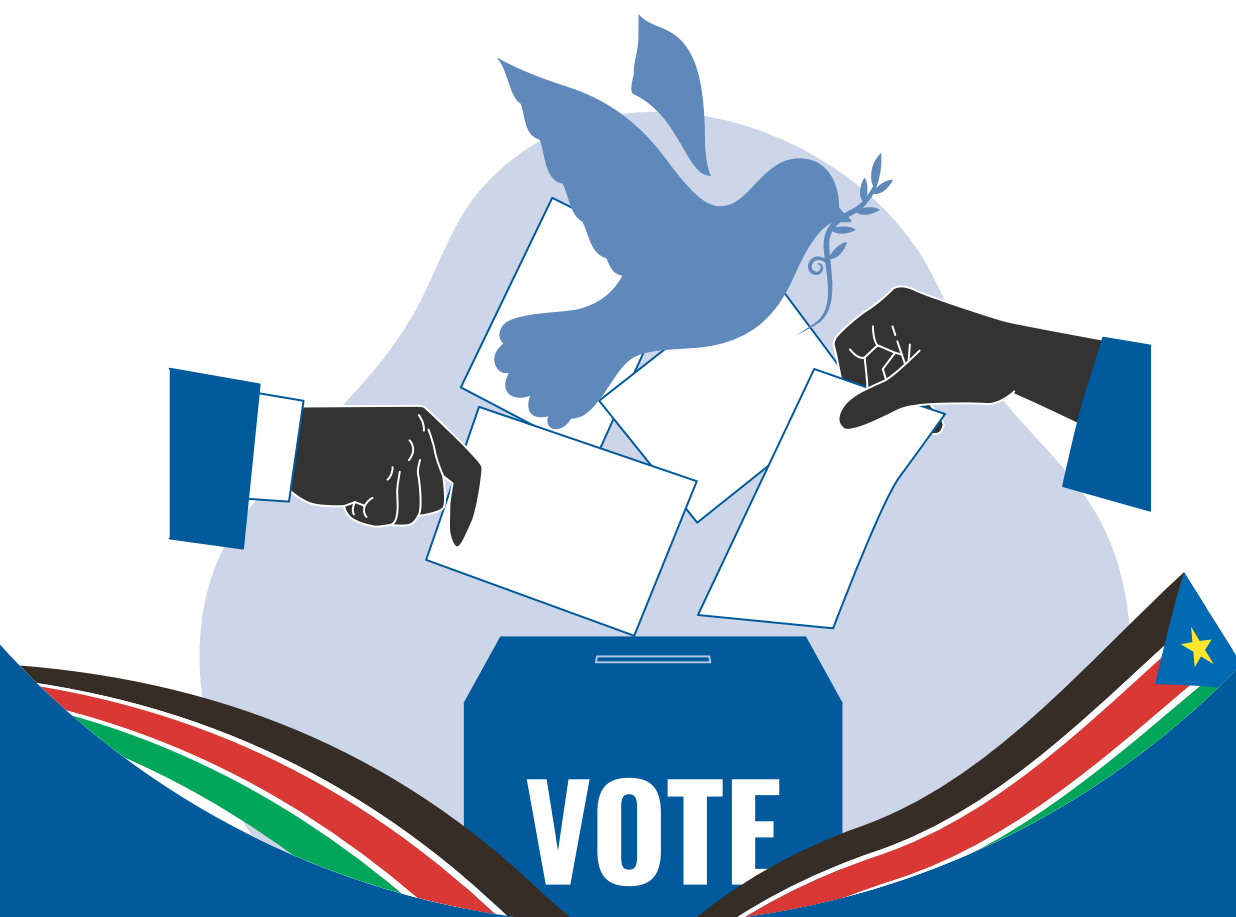# HOW TO HOLD PEACEFUL ELECTIONS IN SOUTH SUDAN

A discussion paper by Nic Cheeseman, Luka Biong, and Edmund Yakani

VOTE

FRIEDRICH EBERT STIFTUNG

SOUTH SUDAN

HOW TO HOLD PEACEFUL ELECTIONS IN SOUTH SUDAN

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Foreword

The general elections, initially scheduled for December 2024, have been postponed once again, this time to December 2026. While this extension may seem to provide sufficient time for thorough preparations, two years is, in fact, a very short period to establish the mechanisms and structures needed to minimize election violence and resolve potential conflicts. This is particularly true given the slow progress made in recent years.

This discussion paper is a follow-up to the 2023 publication *How (Not) to Hold Elections in South Sudan* and is co-authored by Nic Cheeseman, Edmund Yakani, and Luka Biong. Building on the earlier work, this analysis delves deeper into strategies that can be implemented to promote more peaceful elections. It draws inspiration from discussions held during a series of reflection meetings with civil society members, political decision-makers, and academics from South Sudan.

Adopting a pragmatic approach, the authors present practical and realistic options for citizens and decision-makers to consider as South Sudan prepares for the 2026 elections. The paper acknowledges the significant potential for conflict surrounding the elections, given the country's current challenges and constraints, while also identifying opportunities for progress. It provides stakeholders with actionable strategies on *How To Hold* **Peaceful** *Elections in South Sudan*.

Ulrich Thum
Country director, FES South Sudan Office

1. Introduction

South Sudan has faced a troubled existence since independence in 2011. The outbreak of conflict between different factions of the ruling Sudan People's Liberation Movement (SPLM) in December 2013 interrupted the urgent business of nation and station-building. It also exacerbated factional and ethno-regional tensions and resulted in the institutionalization of intra-SPLM divisions into the SPLM, led by President Salva Kiir, and the Sudan People's Liberation Movement – In Opposition (SPLM-IO), led by his former deputy, Riek Machar. The conflict was ended with the signing of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) in 2015. But the process of national reconstruction was disrupted by the eruption of another conflict in 2016 that officially came to an end in 2018 following a peace deal – the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) – that in 2020 led to a coalition government that saw Machar named as the first of five vice presidents. Despite this the legacy of the violence continues to loom large. General elections scheduled for December 2024 have been rescheduled for December 2026,[1] but even with two more years to plan the timeline remains extremely challenging.

There are four particular ways in which the conflict shapes day to day politics in South Sudan today.

→ **First**, while the worst of the civil conflict has been brought to an end the country is far from at peace, and many citizens continue to experience violence and insecurity in their daily lives. According to the United Nations Mission in South Sudan (UNMISS), in the second quarter of 2024 there were 317 incidents of violence, including 442 people killed, 297 injured, 197 abducted and 126 subjected to sexual violence".[2] Moreover, not all of the warring parties signed the R-ARCSS, and negotiations between the government and some of these smaller groups are ongoing, having entered a new cycle during talks in Nairobi in May 2024. Continued insecurity, and concerns about the prospects of a return to national-level conflict, therefore continue to shape everyday political conversations and both elite and popular fears about the forthcoming elections. In turn, this has generated a series of conversations about the capacity and professionalism about the security forces to create conducive conditions for the conduct of elections in 2026.

→ **Second**, the conflict created vast numbers of refugees and more than two million internationally displaced people (IDPs). The position of these groups is particularly significant because they represent some of the most vulnerable of South Sudan's people, and because they are explicitly recognised as a key category of individuals in the R-ARCSS. Yet little has been done to reintegrate either group in terms of repatriating refugees or creating the necessary conditions for IDPs to return home. Partly as a result, the question of how to include IDPs and refugees in political and electoral systems is one of the thorniest facing the country – especially if elections are to be held in a matter of months. A particularly pressing concern is that electoral competition could exacerbate both historic cleavages and tensions between IDPs and their "host" communities if they are not well managed.

→ **Third**, South Sudanese politics continues to be guided by the R-ARCSS. In the absence of a permanent constitution, and the legislation required to bring it to life, both the structure of government and the political agenda continues to be structured around the R-ARCSS. This includes current discussions about whether – as stipulated in the R-ARCSS – a census and a permanent constitution need to be in place before elections can be held, or whether these provisions should be set aside in order to avoid further delays to the elections, which have already been postponed a number of times. As discussed at greater length in the *How (not) to Hold Elections in South Sudan* report[3], given that a permanent constitution would usually set out the system for resolving electoral disputes, such as the right of losing parties to petition the results to a Supreme Court, this raises the question of how such mechanisms will be agreed and safeguarded in the absence of such a document.

→ **Fourth**, one of the legacies of the conflict has been the destruction of much of what national infrastructure the country enjoyed, and the diversion

1 Al Jazeera. "South Sudan Postpones December Election by Two Years." Al Jazeera, September 14, 2024. https://www.aljazeera.com/news/2024/9/14/south-sudan-postpones-december-election-by-two-years.

2 United Nations Peacekeeping. Brief on Violence affecting Civilians. April to June 2024. Accessed December 9, 2024 https://peacekeeping.un.org/en/subnational-violence-remains-significant-concern-affecting-civilians-across-south-sudan

3 Friedrich-Ebert-Stiftung (FES). Women's Leadership and Political Participation in South Sudan. June 27, 2024. https://library.fes.de/pdf-files/bueros/suedsudan/21307-20240627.pdf.

of time, energy and resources away from building a more effective set of administrative and physical structures. This means that the political and economic schedule is still heavily shaped by the need to conduct large scale national exercises in the dry season, as the wet season creates unsurmountable logistical challenges. It also means that until earlier this year key bodies such as the Electoral Commission and the Political Parties Council have been reconstituted, but lacked resources, basic requirements such as offices with electricity and computers and trained staff.

Although these institutions are meant to be independent and depoliticized as per the provisions of the R-ARCSS, the leaders of these institutions were appointed on the basis of the power-sharing arrangements rather than professionalism and expertise. This has as a result, that South Sudan currently features a set of particularly weak administrative and judicial institutions, and is currently rated as the third most "fragile" state in the world.[4]

Each of these legacies of conflict will be challenging to resolve, especially given the time pressure that political leaders are now operating under. Even with a delay of twenty-four month - after the Elections previously scheduled for December 2024 - the timetable for preparing for elections and putting in place effective conflict resolution mechanisms is extremely tight.

This report is designed to help South Sudanese policy makers and citizens to think through the different strategies that can be employed now to minimise electoral violence, which are most likely to be effective in the South Sudanese context, and which can realistically be implemented ahead of the next general elections.

Building on the *How (not) to Hold Elections in South Sudan* report, the analysis presented here is based on three guiding principles. The first principle is realism. There are no elections in the world that have zero violence, especially when one considers online threats and attacks. Moreover, elections naturally raise the political temperature and typically exacerbate pre-existing social tensions. We therefore focus on how to *minimise* election violence and how to resolve potential conflicts that are likely to occur. Relatedly, the second principle is the value of pro-actively taking steps to create a more peaceful environment leading up to the polls, rather than only responding up conflict

reactively when it has already begun. This imperative implies both a focus on early-warming mechanisms and an emphasis on early interventions to address problems before they escalate. Third, we identify different options based on policy solutions that have been implemented in similar countries, and focus on presenting the trade-offs between them so that readers can make informed choices rather than presented a prescriptive position.

The two most important trade-offs that run through the report are those between political competition and power-sharing, and between unfettered campaigning and media coverage and the promotion of specific codes of conduct and practices designed to promote peace. In both cases there are both benefits and drawbacks, and so the challenge is to identify the right balance between them given the challenges that a country faces.

Forming governments of national unity can reduce ethnic tensions and promote political stability, for example, but often does so at the expense of creating bloated governments and undermining accountability.

Promoting "peace journalism" and constraining the rights of citizens and opposition parties to protest can help to reduce the risk of violent incidents, but has often been found to lead to censorship and restrictions on the activities of opposition that reduces transparency while constraining the political rights of citizens.

In other words, when efforts to secure peaceful elections lead to an overring focus on peace rather than democracy, the result can be a damaging form of "peaceocracy" that undermines democratic norms and values while creating fresh political grievances. Peace is a laudable aim in a country with such a long history of conflict, but losing sight of the need for elections to not only be democratic but to be *seen* to be democratic can undermine peace and nation-building efforts to years to come.

The following sections attempt to provide a menu of options for how this can be done by considering how political systems can be designed to reduce the risk of conflict; the importance of the relationship between local and national politics and how to sustain peace at the regional level; the need for effective dispute resolution mechanisms; early warning systems and strategies that can be used to pro-actively prevent the outbreak of violence; and the threat posed by spoilers and armed groups and the capacity of the security forces to keep the peace.

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4   The Fund for Peace. "Fragile States Index Global Data." Accessed December 9, 2024. https://fragilestatesindex.org/global-data/.

2. Designing political systems to reduce conflict

South Sudan suffers from four factors that often result in conflict within the political elite around elections. First, a history of recent conflict in the country and between key individuals who are likely be prominent players – and in President Salva Kiir and Riek Machar, likely presidential candidates, in the elections. Second, a poor economy dominated by oil-rents, in which opportunities to become wealthy through private business are limited, and instead derive from the control of government positions. Third, weak democratic and security institutions that in many cases are only now being reconstituted, such as the National Electoral Commission, Political Parties Council and the integration of security forces. Fourth, significant distrust, both between individual leaders and between different groups and communities over a range of issues including the distribution of power and concerns over control over land and administrative/political barriers, many of which are rooted in long-standing disagreements over questions of identity and who has the right to live and govern in different parts of the country.

These factors are particularly challenging because they give leaders reasons to adopt non-democratic strategies to secure power, and often also legitimise such strategies in the eyes of their supporters. This increases the risk of political violence at different stages of the election. On the one hand, the high stakes of such contests can lead to candidates employing violence – at both the local and national level – to intimidate rival supporters and try and enforce discipline on their own parties. On the other hand, the belief that having lost an election a leader will be fully excluded from power – and may not be able to win future contests due to manipulation – means that the declaration of the election results can trigger conflict, especially if the process has been controversial. This can be especially problematic if, as in South Sudan, elections would bring to an end a transitional arrangement that has given all parties a having degree of representation in government. In the case of Angola, for example, the election of 1992 was followed by a resumption of civil war. One reason for this was the main contenders, such as rebel leader Jonas Savimbi, had not fully committed to the democratic process, and was not prepared to lose. As a result, Savimbi never properly demobilised his National Union for the Total Independence of Angola (UNITA) forces, and after it was announced that he had lost to José Eduardo dos Santos, he once again took up arms and fought for power until

he was killed in 2002. Similar political tensions and logics marred the 2010 elections in Southern Sudan.

Partly as a result, strategies to reduce conflict have often focussed on the design of the political system, and in particular the question of how to reduce the risk of political elite seeking to subvert the democratic system, most obviously by using violence in a bid to secure power. Perhaps the most common response to this problem by researchers is what we might call "the politics of inclusion". Those in this camp argue that in ethnically diverse societies vesting too much power in one individual, or one ethnic group/party, can exacerbate a sense of political marginalization among those communities excluded from power. In turn, this can have the effect of destabilising the political system, especially if horizontal inequalities begin to emerge in which members of certain groups have lower standards of living, and more limited access to economic opportunities, than others. Having identified political exclusion as being the main driver of conflict, individuals in this group typically argue that the most effective way to sustain peace is to institutionalise inclusive politics by diffusing power to different individuals and groups at different levels of the political system. Arendt Lijphart's well-known theory of consociationalism, for example, includes the following components:

I. **power-sharing** between different parties/ethnic groups, for example by guaranteeing smaller parties and communities a certain number of cabinet seats no matter what the outcome of the elections;

II. **proportional representation** so that different parties and communities are represented in the legislature in roughly the same proportions to the national population.

III. **a minority veto** to protect smaller communities over issues of particular significance to their way of life and the areas they live; and,

IV. **a federal political system** to distribute power, either by giving different communities the right to make certain decisions that impact on them, or by devolving political authority and state resources to sub-national branches of government.

Despite the fact that the "diffusion" model is intuitive appealing, most African political systems remain high centralised with no formal power sharing measures, in large part because those in control of the state have proved unwilling to dilute their own authority.

The vast majority of constitutions on the continent today therefore come closer to the model envisaged by the "concentrators". It has only really been after periods of destabilising conflict that countries have institutionalised more inclusive political systems. Most notably, the international community adopted power sharing as the default model for bringing cases of civil conflict to an end. This approach has also been promoted by African actors such as South Africa to resolve long-running wars in countries such as the Democratic Republic of Congo. Watered down versions of this model, such as temporary power sharing deals, have also been used to resolve electoral disputes in countries such as Kenya and Zimbabwe. In some cases – but far from all – this has resulted in countries emerging from conflict adopting more inclusive political systems. After a number of rounds of failed peace processes, for example, Burundi introduced a constitution in 2005 that – at least in its formal provisions – went further than any other on the continent in adopting consociational principles.

Aspects of consociational model are already present in South Sudan, as they are reflected in the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), which established a coalition government with five vice presidents in order to promote political inclusion.

It is currently unclear what inclusive provisions might be institutionalised in a future permanent constitution, but certain features of the system are implied by the National Elections Act, 2012 (Amendment) Bill 2023:

- **Proportional representation:** The National Electoral Act establishes a model in which 50% of the seats will be elected on the basis of proportional representation, and 50% will be elected on the basis of "geographical" constituencies under the First-Past-The-Post (FPTP) system. In order to ensure women's political representation, 35% of all seats are reserved for women, and will be elected as part of the 50% determined through proportional representation. Overall, this hybrid model increases the likelihood that smaller ethnic groups and parties will be represented in parliament, but not to the extent that a fully proportional system would have done. The inclusion of a minimum of at least 35% of women is a positive development, as a number of studies have found that peace-building process that feature strong women's leaders are more likely to be successful. At present, however, there is considerable concern that similar quotas are not being respected – for example, women make up 33% of the Transitional National Legislative Assembly at present,5 and only 17% of the Cabinet Ministers at the national level. Moreover, it will also be important to ensure that the creation of reserved seats does not lead to women being forced out of contesting the "geographical" FPTP list. In other words, 35% should be seen as the minimum proportion of women in parliament, and should not become the upper limit.

- **Power sharing and minority veto:** To date, no legislation has been passed or proposed that would institutionalise either power sharing or minority veto. Although the current system of government under the R-ARCCS features a form of power sharing, it is unclear whether similar measures will be included in any future permanent constitution.

- **Federalism:** The Electoral Act implies at least three tiers of government, with the national government, local government, and a tier of state-level government – South Sudan currently features 10 states and two Administrative Areas and the special Administrative Status Area of Abyei. This suggests that those who lose national level elections may still feel that they have a stake in the system due to the opportunity to win local elections. It is unclear, however, exactly how resources will be shared across these levels of government, as discussed in Section 3, which is essential to encourage citizens and political leaders to invest in these institutions.

Overall, then, the envisaged political system would enshrine a degree of inclusive politics, but only a degree.

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5   Inter-Parliamentary Union. "South Sudan: National Legislative Assembly." Data on Parliaments. Accessed December 9, 2024. https://data.ipu.org/parliament/SS/SS-LC01/.

It is therefore particularly significant that if recent surveys[6] are correct, the SPLM may secure sufficient electoral dominance that the subsequent legislature that will be significantly less inclusive of other parties than the current Reconstituted Transitional National Legislative Assembly.

Unless a new permanent constitution arrives in advance of the elections – which may not be the case even with a two year delay, given the time required to complete this process – the extent to which power and resources are shared would depend on the goodwill of the president and the ruling party.

One way to reduce the risks that this would pose would be for the leaders of the main parties to agree a deal that would ensure that each party receives at least some positions – whether in the cabinet, specialized committees of the national legislature, or in terms of other state positions – after the polls. Such a measure could significantly reduce the stakes around the elections and hence the potential for violence. There are two important factors to consider with regards to such as development, however.

First, the more informal such a deal is, and the less rooted it is in an institutionalised political system, the less likely it is that leaders believe it will be enforced. In turn, the more the leaders of smaller parties and communities think any deal may be abandoned after the elections, the greater the incentive for them to try and disrupt the process. To be effective, a power sharing mechanism would therefore need to be adopted, for example as part of the R-ARCCS process. Second, it is important to keep in mind that there is a trade-off between promoting inclusive politics and maintaining accountability.

Power sharing deals that allow all governments to remain in power indefinitely mean that the public cannot push out poorly performing leaders

and governments by handing them a chastening electoral defeat.

South Sudanese citizens want elections to be able to choose their own leaders[7] – they may feel that the process is pointless if it always delivers the same government. Moreover, research on the power sharing governments in countries such as Kenya and Zimbabwe has suggested that if all parties are in government, and so there is no real "opposition", legislative scrutiny suffers. There is evidence, for example, that rather than exert a moderating force on government corruption, former opposition parties became engaged in graft when they were given access to state resources under power sharing deals.

One inclusive approach that went some way to addressing these concerns was that adopted by Nelson Mandela and the African National Congress in the lead up to South Africa's first post-apartheid elections in 1994. As part of the negotiations with the National Party and the Inkatha Freedom Party, the ANC agreed to form a Government of National Unity after the elections in which all parties that secured 10% or more of the vote were represented. There are two features of this deal that ensured that competitive and accountable politics were not scarified on the altar of inclusivity. First, it did not institute a full power sharing model, but rather ensured a minimum level of representation, which meant that the party which performed the best in elections would receive the vast majority of cabinet positions. Second, it only covered the first parliament, and so parties had an incentive to maintain distinctive identities ahead of the second post-apartheid elections held in 1998. A lower threshold can of course be selected in countries such as South Sudan where very few parties are expected to secure more than 10% of the ballot.

Whatever balance between competition and inclusion ends up being struck by political leaders in South Sudan, the formal rules governing the national level political system can only ever be one element of an effective conflict reduction strategy. It is also critical that inclusive arrangements are respected in practice by those who hold power, and that the relationship between national and sub-national government is constructive – which is the focus of the next section.

6   Friedrich-Ebert-Stiftung (FES). Women's Leadership and Political Participation in South Sudan. June 27, 2024. https://library.fes.de/pdf-files/bueros/suedsudan/21307-20240627.pdf.

7   PeaceRep. "South Sudan Public Perceptions of Peace Survey." Accessed December 9, 2024. https://peacerep.org/perceptions-peace-south-sudan/.

3. Local-national relations, the politics of belonging and the vulnerability of IDPs

Political conflict can be driven from above by national political elites, but it can also emerge from below as the result of the frustration of specific communities and regions that feel excluded from the benefits of state resources.

One of the most commonly proposed solutions to this challenge is to introduce a federal political system, as noted in Section Two. There are two main reasons for this. First, federalism allows national losers to be local winners, and so can reduce the stakes of national level political competition. Second, the creation of centres of government and resources at the federal level generates opportunities for local elites to benefit from the political system and build their own patronage networks. In addition to giving these leaders a stake in the political system, this can facilitate the flow of resources to a wider range of communities.

As set out above, the National Elections Act, 2012 (Amendment) Bill 2023 clearly sets out a federal political system that includes sub-national state-level government. In addition to State Governors, State Legislative Assemblies will be directly elected. Exactly which elections will take place the first time that the country goes to the polls has not yet been finalised, however. Moreover, the Elections Act does not specify what the electoral system should be for local elections, leaving this to the National Electoral Commission to determine.

Sub-national elections can only transform national losers into local winners if they are held.

If only national elections are held, or only executive elections – i.e. for President and Governor – are held, the potential for the election system to accommodate a wide range of leaders and communities will be undermined. While severely restricting the type/number of elections would ease the logistical burden facing the electoral commission, this would come at the expense of increasing the prospects that smaller communities and parties feel politically marginalized.

It is also unclear exactly what powers state governments will have and what will be reserved for central government. The current constitutional arrangements[8] clearly define exclusive, concurrent and residual powers for national and state levels, sources of revenue for the states and mechanisms for fiscal decentralization such as the Fiscal and Financial Allocation and Monitoring Commission (FFAMC). It is not clear whether these rules will continue, however, or be superseded by a new constitution, and whatever system is selected will need to be clearly communicated to political leaders and citizens. At the same time, it will be particularly important for the FFAMC to set out a fair arrangement for distributing the national budget, especially as the distribution of national resources – and current lack of it – continues to be a major topic of conversation and controversy. Reflecting this priority, the 8th Governors' Forum, held in November 2024, urged the National Government to implement a resource allocation model that designates 40% to the states, 40% to the counties, and 20% to the national level.[9]

A fair distribution of financial resources is significant because the performance of federal political systems in terms of conflict resolution has been shown to be heavily shaped by two factors. The first is whether sub-national units are actually given sufficient political authority and financial resources to make them attractive positions for political leaders and their communities. There is little value in controlling positions that neither pay a good salary nor control sufficient resources to be able to provide services and make a difference in citizens' lives.

The contrasting fate of Senators and Governors in Kenya demonstrates this point well. When the country's new political system was introduced in 2010, many politicians assumed that the role of Senator would be particularly

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8   Ministry of Justice and Constitutional Affairs, Republic of South Sudan. Transitional Constitution of the Republic of South Sudan, 2011. Revised March 2023. https://mojca.gov.ss/wp-content/uploads/2023/03/Transitional-Constitution-of-the-Republic-of-South-Sudan-2011.pdf.

9   The Radio Community. "Salary Payment Tops the Resolutions of 8th Governor's Forum." Accessed December 9, 2024. https://theradiocommunity.org/salary-payment-tops-the-resolutions-of-8th-governors-forum-3558

prestigious, as it is in the United States, and prioritised it over that of Member of Parliament (MP) and County Governor. Elected Senators quickly realised, however, that while MPs controlled Constituency Development Funds (CDFs) and County Governors presided over large budgets to deliver important services such as healthcare, they had no developments funds directly at their disposal. As a result, Senators immediately began to campaign for access to resources, while the position of Senator quickly came to be seen to be less attractive than that of Governors.

In other words, one reason that Governorship elections in Kenya and Nigeria are so hotly contested is the large amounts of money that flow through these positions. In Nigeria, states such as Rivers have an annual budget of billions of dollars. In Kenya, no less than 15% of national revenue must be devolved to the counties. In turn, the importance of sub-national politics has helped to prevent national level political violence. Kenya has seen mass protests and clashes with security since the introduction of the 2010 constitution, for example, but no return of the inter-communal violence that led to over 1,000 deaths and 600,000 people being displaced in 2007/8.

While ensuring local and state governments are well funded can reduce national tensions, it can also generate further challenges, however. Most obviously, it increases the stakes for these elections. This can potentially have a destabilising effect at the state/local level, especially if there are disagreements over how electoral boundaries should be drawn, and who should be allowed to participate. Both of these issues have contributed to political violence in a number of African states over the last twenty years. Most notably, researchers have documented the rise of a divisive form of the "politics of belonging" following the reintroduction in the early 1990s, in which members of one community claim to be the "original" inhabitants of an area, and on this basis claim that "outsiders" or "settlers" should not be able to stand for office or vote for their favoured candidate. As the work of Sarah Jenkins has demonstrated, while groups that consider themselves to be "indigenous" are often happy to accept other "guest" communities in their home areas when they play by the local rules – i.e. if they allow candidates from the "original" community to secure election – "outsiders" can very quickly become targets for criticism, violence and even ethnic cleansing if they attempt to rule in the "home of their hosts".

In the case of South Sudan, these risks are exacerbated by two factors highlighted in the Introduction. First, disagreement over the location of administrative and constituency boundaries may be exacerbated by questions regarding the status of Administrative Areas – which

are treated different from the country's ten states – and tensions over the exact location of constituency boundaries. This means that the drawing of constituency and state boundaries – often referred to as delimitation – has the potential to trigger instability.

Second, the conflict created large numbers of internally-displaced people (IDPs), who may be considered to be "outsiders" by the communities among whom they now reside. It is therefore particularly important to pay attention to how electoral rules accommodate (or not) IDP communities, and to how local and national politics is likely to interact. It is therefore concerning that South Sudan has yet to identify any clear strategies to deal with either of these issues. The National Elections Act, 2012 (Amendment) Bill 2023 does not make any special provision for IDPs, for example. Unless IDPs are reintegrated into their home areas – which seems to be unfeasible in the limited time available – this will mean that their only option to cast ballots is to do so alongside the communities in the new areas in which they are now residing. Given the high numbers of IDPs that are present in some areas, this has the potential to exacerbate precisely the kind of "indigene"/"guest" cleavage described by Jenkins. It is imperative that either measures are put in place to create an alternative system for IDP voting, or to target peace-building efforts and peace-keeping forces on areas that are identified as potential sites of instability.

At the same time, no clear guidelines have yet been set down for how the process of boundary delimitation should be undertaken. This process is further complicated by the absence of a national census to establish how many people live in different parts of the country, and guide the delimitation process. Falling back on previous constituency boundaries is one strategy that is often employed to prevent disputes, but this is only effective if previous boundaries were broadly agreed and there is no change in the number of constituencies. In the case of South Sudan, one obvious complication is that the new electoral system envisages 332 seats, with 166 "geographical seats", up from the 102 political constituencies that have historically been employed. If new boundaries have to be drawn, it is important this is done through an inclusive delimitation process that follows clear and consistently implemented guidelines, such as creating constituencies of roughly equal size, taking into account geographical boundaries such as rivers, and recognizing existing administrative boundaries. Ideally, this would go hand-in-hand with a process of public consultation that would allow for local concerns to be aired and addressed. The more this process is rushed and is seen to be politicized, the more likely it is to contribute to localized political violence.

Establishing directly elected sub-national tiers of government has the potential to reduce the likelihood of electoral violence, but only if they are carefully designed, well resourced, and comprised of individuals who are seen to be legitimate to the communities they are supposed to serve.

VOTE

4. Pro-active measures to detect conflict and reduce the risk of violence

Even if political and electoral systems are well designed, elections may lead to violence through a number of different processes. Evidence of manipulation can result in mass protests and riots, as can irresponsible statements by political leaders. This is especially true in the age of disinformation, when citizens' fears and concerns may be exacerbated by manipulated images and deep fake videos. As noted in Section 3, there is also a significant risk of sub-national violence even if the national contest remains largely peaceful. Especially in an era of rapid communication and disinformation, local level clashes and attacks have the potential to trigger conflict in other areas, either by inspiring "copy cat" or "revenge" attacks, or by contributing to an atmosphere of heightened insecurity. It is therefore important to develop strategies to both reduce the risk of violence and to enable emerging issues to be quickly identified and hence responded to – preventing vicious cycles of violence before they gain momentum. This section discusses a range of strategies discussed that have been deployed in recent years in other African states such as Kenya and Nigeria.

Three particularly significant lessons that comes out of the research on electoral violence, and the recent experience of relevant countries. First, establishing early-warning mechanisms is a critical first step to preventing conflict, but the effectiveness of these measures depends on how comprehensive they are and the extent to which they are integrated into a responsive national structure. Second, regular meetings between leaders of different communities and parties can play an important role in building trust and resolving disputes before they escalate. Third, promoting peace can undermine democratic values and institutions if it becomes the predominant focus of civil society groups and donors around elections.

The following discussion reviews seven of the most common measures that are employed to detect conflict and prevent violence in light of these findings, and the particular context in South Sudan.

1. **Monitor hate speech and electoral offences.**
   Hate speech, incitement to violence, defamation and intrusion of privacy are prohibited and offenses as

provided for in the South Sudan Media Authority Act, 2013 under Section 6 (13) (d), section 28 and section 29. This does not mean, however, that such crimes are effectively tracked and prosecuted, and given the country's weak state this is unlikely to change unless concerted action is taken. One of the most effective ways of deterring the use of hate speech and other electoral offences is to closely monitor candidates and party activists so that they feel the need to be more careful about what they say with regard to other communities and parties in rallies and when meeting voters. This is a very challenging task because of the number of candidates, and the very many forums in which they may speak, many of these utterances will not be recorded – especially in a country like South Sudan where the media is chronically short of capacity and resources. One strategy that was used in Kenya in the 2022 general elections was to a) monitor social media, including the accounts of candidates, on Twitter and Facebook, and b) to send individuals armed with recorders out to as large a sample of rallies as possible. Both of these strategies have limitations. It can be extremely logistically challenging to monitor social media platforms for all of the languages and metaphors that individual may use during an election, and candidates may reserve their more controversial statements for smaller meetings that are less likely to be covered. Despite this, the evidence from Kenya is that just the knowledge that campaign communications are being monitored can dissuade candidates from using hostile and violent language. In the electoral context, this is usually done by either a statutory body (see number 3 below) or a coalition of civil society groups and international donors (see number 4 below). These efforts can be bolstered by crowd sourcing information about instances of hate speech and election violence through platforms such as Kenya's Ushahidi, which was created in early 2008 as a tool to map and monitor the post-election violence that following the country's 2007 polls.[10]

2. **Track, Monitor, and Debunk Disinformation.** In many elections it is not just political leaders that are the sources of hate speech of disinformation – citizens

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10 "About Ushahidi." Accessed December 9, 2024. https://www-admin.ushahidi.com/about.

and social media influencers can be just as, if not more, important. It is therefore important to try and track the circulation of disinformation, especially when such messages are deliberately attempting to mislead citizens about how the elections will be held, or to increase tensions between different parties and communities. Although digital penetration is limited in the South Sudanese context, WhatsApp groups and Facebook play an important role in the flow of information, and hence disinformation. Establishing a network of monitors and factcheckers – and ensuring that they are well connected to the electoral commission, security forces, and civil society groups so that disinformation can be immediately corrected – would therefore be a very positive development. This could either be done as a standalone initiative, or perhaps more effectively, it could be integrated into the work of one of the institutions discussed below in order to promote information sharing and joined-up thinking.

3. **Establish Village Peace Committees.** It is important to be able to identify the specific parts of the country in which relations between communities and parties are particularly difficult and hence may lead to instability. Government agencies, civil society groups, churches, mosques and international donors often have their own institutional networks, but in South Sudan these are often weak at the grass roots level except for churches, especially in rural and far flung areas. It is also easy to overlook the signs of a growing dispute if one is not focussing on this issue and asking the right questions. A number of countries in Africa have therefore created Village Peace Committees (VPCS), including Kenya, especially after the post-election violence in 2007/2008. Ideally, VPCS cover the entire country and perform two mutually reinforcing roles. First, they bring together local elders and leaders from the various communities, along with any relevant civil society leaders, religious leaders and bureaucrats, to have regular conversations about the conditions in the area. This can have a positive benefit on its own, both by establishing a stronger network between key actors in case coordinated action is needed, and because repeated interactions can help to build trust. Second, VPCs actively monitor the area for signs of conflict, and then decide whether to respond locally, for example by holding talks to establish common ground between the relevant groups, or to escalate the issue to the national level.

4. **Set up a body responsible for National Cohesion.** Strategies such as hate speech monitoring and VPCs are only really effective if they feed into a central structure that has the capacity to aggregate data and respond. Otherwise valuable data may not be acted

upon, and candidates are likely to realise that there is no actual cost to being caught inciting violence against other parties. This can be done by a coalition of civil society groups, but to ensure sustainability and enhance coordination to political decision-makers, there may be benefits to establishing and maintaining national cohesion. Kenya, for example, established the National Cohesion and Integration Commission (NCIC) as an official government body in the wake of the 2007/8 violence. It is the NCIC that leads on monitoring social media, and sending out staff members to attend campaign rallies with recording devices. The NCIC can also intervene, either by contacting the individuals concerned or by liaising with other government agencies to design a response if local actors do not think they can resolve the situation. Creating a central focus for such work also makes it easy for citizens to report messages and statements that have concerned them. In the 2022 polls one of the main sources of information for the NCIC was tip-offs from the public. Despite the recent conflict in South Sudan, there is currently no dedicated institution comparable to the NCIC, and no such institution is provided for in the R-ARCSS, though it is possible that the National Constitutional Review Commission (NCRC) could include such a body in the political system that it proposes. While creating another new institution may not be feasible ahead of the elections, one possibility is that some of this work could be given to an existing institution, such as the High-Level Standing Committee for the Implementation of the R-ARCSS (HLSC).

5. **Coordinate an Electoral Security and Peacebuilding Working Group/Situation Room.** In order to ensure coordinated and effective responses, it is important to ensure swift and productive communication between the responsible agencies and institutions. In the modern world this is likely to include civil society groups and National Cohesion bodies, the Police and the Director of Public Prosecutions, the Minister of the Interior (or equivalent), the Ministry of Health, international donors, the United Nations, the Communications Authority, and representatives of the major social media platforms such as Twitter and Facebook. This is necessary for three main reasons. First, to reduce overlap and duplication of efforts, and to be able to identify any gaps in peace-building efforts. Second, because larger issues are likely to require coordinated responses across a number of different agencies and organizations. Third, to ensure swift communication on urgent issues. Ahead of the 2022 elections in Kenya, for example, a protocol was agreed through which the NCIC would work with the Communications Authority to rapidly communicate

with social media companies if a message appeared online that was deemed to be so problematic that it should be taken down. In many cases, an Election Security and Peacebuilding Working Group is established during the election campaign, which then turns into "Situation Room" for polling day itself, with individuals from all relevant bodies physically sitting in the same location.

6. **Establish Inter-Party Liaison groups and Codes of Conduct.** In order to identify possible areas of contention in advance, and to build trust between leaders from rival parties, it is now recognised as best practice for Inter-Party Liaison Committees to be established. In most cases, Inter-Party Liaison groups are established by the electoral commission, though in some places this is the responsibility of the Registrar of Political Parties. Their main goal is to forge agreement over key aspects of electoral practice, to establish healthy communication between rival political leaders, and in more advanced versions to build towards the main candidates agreeing to sign a Code of Conduct that commits them – at least on paper – to conducting a peaceful, respectful and legal campaign.[11] Due to the different dynamics and risk profiles that play out in different regions, it is common for such liaison groups to be established in every district and even in every constituency. Ideally, these meetings are convened by the electoral commission, which has the authority to make decisions about core protocol and explain how elections should be held. In Ghana, for example, many credit the discussions and agreements forged through the Inter-Party Advisory Committee (IPAC) in the 1990s as enabling the country to move on from the controversy that surrounded the 1992 general elections and build a vibrant democracy. In South Sudan, a code of conduct was helpfully negotiated ahead of the 2010 elections, and so there is a positive precedent for this course of action. One challenge ahead of the next elections is that it will be both expensive and logistically demanding to establish a Liaison group in every state and administrative area, and so the electoral commission is likely to require significant financial and technical support to play this role. Another complicating factor may be that both the NEC and the PPC may both feel that this role falls within their jurisdiction. Whoever is ultimately given primary responsibility for setting the meetings up, it is likely to be beneficial to have representatives of both bodies present as the agenda typically includes items related to both party behaviour and election management.

7. **Training the media in "peace journalism".** In countries such as Kenya and Rwanda, ethnic violence has been fuelled, in part, by the dissemination of hate speech by parts of the media, in particular radio stations broadcasting in local languages. In some cases this occurred because journalist allowed callers to "phone-in" shows to spread hate speech, and in a smaller number of cases it was journalists themselves who were seen to have incited conflict. More broadly, there is often a concern that sensationalist media reportage could trigger violence and unrest. For this reason, international donors have often been keen to fund interventions aimed at fostering "peace journalism". This can involve a wide range of processes of varying depth. In the conceptualization provided by John Galtung, peace journalism is an all-encompassing effort: "By peace we mean the capacity to transform conflicts with empathy, without violence, and creatively – a never-ending process." Many media training programs have adopted simpler goals, however, namely to warn journalists that they may find themselves personally liable if what they broadcast or publish is considered to be hate-speech or inflammatory, and to encourage journalists to reflect on the way that they write by using examples of what can happen when the rules are not followed. In Kenya, for example, the prosecution of Joshua Arap Sang, Head of Operations at KASS FM, by the International Criminal Court (ICC) for three crimes against humanity brought home to journalists the possibility that they could be held personally liable for political unrest. Along with a number of the other strategies mentioned here, this contributed to far fewer instances of hate-speech in the subsequent elections of 2013.

8. **Promote peace messages via the media, social media and religious groups.** As part of efforts to pro-active efforts to encourage peace and also to persuade citizens to reject leaders who deploy violence, it has become common practice for a wide range of organizations to communicate "pro-peace" messages both before and especially during the election campaign. This may include civil society representatives appearing on the media, peace prayer meetings being held by religious groups. The impact of such messaging is unclear, but it is likely to reinforce the general disapproval of using violence for electoral purposes among most African societies, as demonstrated by recent survey data (Cheeseman, Lynch and Willis 2021).

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11 In some cases, however, this latter process is conducted outside of the formal electoral and party institution, in part because it requires intense donor pressure to persuade candidates to agree.

While measures to detect and prevent violence can play an important role in reducing the risk of conflict, it is also important to note that excessively prioritising peace over democracy can generate a number of negative consequences, including some that increase the risk of violence in the longer-term.

A sole focus on peace journalism, for example, can lead the media to self-censor and not publish evidence of electoral wrong-doing for fear of sparking unrest. Alternatively, if donors and civil society groups create the impression that they are prioritising peace over democracy, the government may feel emboldened to clamp down on civil society criticism and opposition protests in the name of promoting stability and minimising the risk of unrest. When this kind of "peaceocracy" prevails, the violation of democratic rules and principles can generate new political grievances, increasing the risk of future conflict.

The Kenyan elections of 2013 provide a good example of the potential trade-offs between peace and democracy. In the years after the polls, many journalists began to reflect that their fear of contributing to unrest had led them to fail to report a number of legitimate stories relating to these elections. These included stories related to electoral manipulation and the use of political violence. While these decisions appeared to be justified at the time due to the need to avoid a repeat of the harrowing experience of 2007/8, many individuals working in the

media ultimately concluded that they had gone from one extreme to another, and in the process had not fulfilled their duty to defend democratic institutions and hold political leaders accountable. Meanwhile, opposition supporters complained that they had been intimidated by the positioning of large numbers of security forces in/near their communities, a move that was justified on the basis of the need to be able to swiftly restore order in areas that had been deemed to be potential "hot spots" by the government. Opposition leaders had a similar complaint, noting that the pre-election warning that the security forces would adopt a "shoot on sight" policy in response to any mass demonstrations with regards to the result had effectively undermined their democratic right to protest. The combination of these concerns contributed to a strong belief among many opposition supporters and civil society groups that the polls had not been free and fair, and hence that the government that resulted was not democratically legitimate.

It is therefore important to consider the potential trade-off between promoting peace and democracy, and what balance between these two goals is most appropriate in the South Sudan context.

Winner takes all competition can exacerbate tensions and encourage conflict, but implementing so much power sharing that the country becomes a one-party state will undermine accountability, fostering corruption and complacency.

5. Dispute resolution mechanisms

Effective dispute resolution mechanisms are critical to preventing electoral conflict. In situations in which candidates and parties feel that they have no possibility of securing a fair outcome via official process, they are more likely to take their protests to the streets or violently contest outcomes, increasing the risk of political instability. In both Uganda and Zimbabwe, for example, opposition parties have become increasingly reluctant to take petitions to the courts because court officials and the judiciary are seen to be under the control of the ruling party. By contrast, the creation of a credible Constitutional / Supreme Court with the responsibility to hear cases in Kenya and Malawi has facilitated the peaceful and orderly resolution of election disputes.

It may be possible to resolve many smaller issues in advance through Inter-Party Liaison groups and similar bodies, as set out in Section 3, but this will not be the case for major disputes relating to election outcomes, most notably for prominent positions such as president, member of parliament, and governor. It is also unlikely to be the case for major violations of the electoral rules, such as the use of political violence. As noted in *How (Not) to Hold Elections in South Sudan*, one of the main challenges in the case of South Sudan is that it is not completely clear exactly what broader political and constitutional arrangements will be in place when general elections are finally held. This is a considerable concern, because there is a risk that losing candidates will not trust dispute resolution mechanisms that are unclear, or that involve institutions that have weak foundations and are clearly not independent of the executive.

International best practice suggests that there are a number of important steps that could be taken between now and the elections to reduce this risk – but many of them are lengthy processes that consider careful thought, and ideally should already be in place if elections are to be held in the next two years:

a.   Establish Clear Legal Frameworks

Legislation: Legal uncertainty and ambiguity can enable political manipulation and undermine confidence in formal processes. It is therefore critical to create clear, comprehensive electoral laws that outline the procedures for resolving disputes, and exactly which institutions should deal with which issues.

Regulations: Electoral bodies and other relevant institutions should develop detailed regulations and guidelines to handle complaints and appeals.

b.   Build an Independent Electoral Commission and Judiciary

Autonomy: Ensure the National Electoral Commission, Political Parties Council and the judiciary operate independently from political influences.

Capacity Building: Provide sufficient resources and training to handle disputes efficiently and impartially.

c.   Judicial Review

Specialized Courts: Establish dedicated electoral courts or tribunals to handle electoral disputes, so that they can develop the necessary expertise.

Appeal Process: Allow for a structured appeal process through higher courts.

Make Electoral Justice Accessible: If it is not possible to establish a complete system of courts at the local level with sufficient electoral expertise to hear cases, one option is to utilise mobile courts to reach areas lacking in judicial access.

d.   Capacity Building for Stakeholders

Training for Officials: Train electoral officials and relevant members of the judiciary on dispute resolution procedures and legal frameworks.

Voter Education: Educate voters and candidates about their rights and the dispute resolution process, something that is particularly important in countries with limited experience of holding national level elections.

e.   Transparency and Accountability

Public Hearings: Particularly in low-trust environments it is important to conduct public hearings for significant disputes to ensure transparency.

Publishing Decisions: Make decisions and their rationale publicly available so that parties and citizens can understand them and see the reasons a certain conclusion was reached.

f.   Timely and Efficient Resolution

Deadlines: In some countries, such as Nigeria, election petitions have taken so long to resolve that the whole term is completed before justice is delivered. Leaders are unlikely to be willing to take complaints through the official channels if they do not believe that decisions will be made in time for them to actually be able to take up the position they were contesting if they win their case. It is therefore essential to establish clear deadlines for filing and resolving disputes, and provide sufficient resources to meet this timetable.

Fast-Track Mechanisms: Where it is difficult to establish an efficient and speedy system due to infrastructural limitations, one option is to implement fast-track mechanisms for urgent and high profile cases.

At present, there are a number of challenges to developing a model that meets these requirements in South Sudan. One major challenge is that there is no consolidated version of the Transitional Constitution or Electoral Law. In other words, as things stand the Electoral Law is effectively spread across two documents, the initial 2012 legislation and the 2023 amendment, which does not integrate the new changes into a coherent and unitary document. As a result, it is necessary to read across multiple documents to understand the whole process which is likely to cause confusion and hence foster disagreements of interpretation.

The current system of electoral dispute resolution set out in the National Elections Act, 2012 (Amendment) Bill 2023 is patchy and relies on the existence of courts that are not fully functional.

A good example of this is that the Elections Act stipulated that only "Competent Courts" should deal with election dispute cases, and states that the Chief Justice should determine which courts are competent. It does not, however, set out clear and easy to follow criteria for how such decisions should be made. At the same time, the legislation includes the Supreme Court as part of the dispute resolution process, but does not make it clear

exactly which cases can be taken to the Supreme Court, and at what stage this should happen. The possibility of involving the Supreme Court may also depend in part on what judicial system is established by the NCRC, if new constitutional arrangements are introduced ahead of the elections.

Just as significantly, the timeline for filing a case and it being heard and decided has yet to be established. There is also some ambiguity with regard to exactly who has responsibility for monitoring electoral offences and imparting judgements/decisions – in situations where incidents have not been taken through the official dispute resolution process – between the National Electoral Commission and the Political Parties Council. While the NEC has overall responsibility for the management of the elections and electoral rules, it is the PPC that registers the parties and has responsibility for monitoring their behaviour. This is important because in the past similar levels of ambiguity in countries such as Kenya have resulted in electoral offences such as voter bribery, low level political violence and intimidation, going unpunished – encouraging political leaders to believe that can commit offences without fear of punishment.

It will be essential that all these issues are clarified and clearly communicated to political leaders, civil society groups and citizens well ahead of the elections. Another major decision that will need to be taken is about the structure of the dispute resolution process. It is best practice to establish a number of courts and committees across the country to move access to electoral justice closer to the people, and to ensure that the case load is shared across the electoral commission and judiciary. This has to be balanced, however, against the capacity of these institutions and their ability to establish a more decentralized system. In its current format, the Elections Act implies the need for a large number of committees or courts to be established in different parts of the country – some estimates put this figure as high as 166. While such an extensive model would have some major benefits if it could be realised, it would also require a tremendous logistical effort to establish this many bodies and to finance and train them – especially given the very limited court system that currently exists outside of Juba.

While some of these issues may appear to be far removed from the onset of political violence, recent election in places as diverse as Kenya, Malawi, Nigeria and Zanzibar have demonstrated that a clear and respected election dispute resolution system is a critical to effectively managing political conflict.

6. Election security, policing, and spoilers

Election security – and a peaceful environment – are critical components of a democratic political system. Candidates must feel safe when campaigning, and citizens must feel safe while attending rallies and casting their ballots. Unless this happens, the quality of democracy and the freedom of the choice available to citizens is compromised. Especially in post-conflict contexts such as South Sudan, it is also important that citizens and candidates are not only safe, but feel that they are safe.

It is important to think of election security holistically. According to the ACE Electoral Knowledge Network, an appropriate understanding of security should recognise three components:

- physical security concerns the protection of facilities and materials;

- personal security concerns electoral stakeholders; and,

- information security concerns the protection of the physical ballot papers and ballot boxes, computers and communication systems.

As this list suggests, election security is one of the most important task and challenging tasks facing the state. While international organizations such as peacekeeping missions can play an important role in supporting state forces conflict and giving former armed groups confidence that peace will hold, sustainable democracy requires the state to be able to secure its own elections. In many African states this raises serious questions about the impartiality, professionalism and capacity of the security forces – especially as the police and the army are often seen as being under the control of the ruling party.

This challenge is particularly significant in South Sudan for four main reasons. First, given that political violence is fresh in the minds of citizens, the prospects of electoral conflict may dissuade some people from fully participating in the elections. Second, some groups did not accept the R-ARCSS process and continue to have a tense and difficult relationship with the government. While fresh talks with "holdout groups" have taken place in Nairobi this year as part of the Tumaini Peace Initiative, this has yet to reach a successful resolution. Third, the ability of the state to maintain peace is heavily dependent on the United Nations Mission in South Sudan, and even with this assistance there continues to be significant loss of life due to localised and inter-communal violence.[12] Fourth, the National Security Service Bill has proved to be highly controversial because it includes the power to arrest individuals without a warrant. This is contrary to democratic practice and has been widely criticized for enabling the security forces to be deployed for political ends without judicial oversight. In turn, the inclusion of the provision – after senior political figures had previously appeared to agree that it removed – has reinforced existing concerns about the abuse of power.[13]

Delivering electoral security therefore requires two things to happen at the same time. First, for the independence, professionalism and oversight of the security forces to be improved. Second, for an effective system of engagement and collaboration between different "security sector agencies (SSAs) such as the police force, intelligence agencies, armed forces, special prosecutors for electoral crimes and so on."[14] Critical components of election security therefore include:

- **National coverage.** All parts of the territory should be covered by election security so that all citizens have an equal chance to vote. In particular, there should be a systematic plan to be able to protect all polling stations and counting centres during and after election day.

- **Identifying "hot spots".** Few security forces in the world can manage a heavy deployment across the entire territory. It is therefore critical to be able to work with government agencies, civil society groups and the kinds of bodies set out in section 4 to anticipate which areas are likely to see the greatest threats to peace and to prioritise deployment accordingly.

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12 Global Centre for the Responsibility to Protect. "South Sudan." Accessed December 9, 2024. https://www.globalr2p.org/countries/south-sudan/.

13 United States Department of State. 2023 Country Reports on Human Rights Practices: South Sudan. Accessed December 9, 2024. https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/south-sudan/.

14 ACE Electoral Knowledge Network. "Inadequate Electoral Security Arrangements." Accessed December 9, 2024. https://aceproject.org/ace-en/topics/ev/factors-that-may-trigger-electoral-violence/internal-factors/planning-of-and-preparation-for-the-implementation/inadequate-electoral-security-arrangements/mobile_browsing/onePag.

- **Coordination with electoral bodies:** Effective electoral security requires close cooperation between security forces and electoral management bodies. This includes pre-election planning, defining roles clearly, and ensuring that security measures do not interfere with the electoral process. Key issues such as the election timetable and security requirements for vote counting should be agreed well in advance.

- **Communication with civic groups and political parties.** A critical area of election security is allowing political rallies and meetings to go ahead peacefully, and providing protection for the main candidates as they move around the country. This requires good lines of communication to be open between the main political parties and the security forces – and for the security forces and the government to ensure that there is no bias or political favour in the rallies and meetings that receive approval to go ahead and those that are denied permission.

- **Inclusive Security Arrangements:** It is important to ensure that the security forces are representative of the broader society, especially in divided or post-conflict settings. If certain ethnic or political groups dominate the security forces, it can undermine trust and legitimacy in the electoral process.

Ensuring inclusivity in security sector reform is key to maintaining peace.

- **Community Engagement:** Building trust with local communities can help reduce tensions and prevent violence. Security forces should engage in dialogue with community leaders and civil society organizations to reassure citizens that they are there to protect their rights and ensure the peaceful conduct of elections.

- **A human rights based focus.** It is important that the security forces recognise and respect the human rights of citizens when seeking to maintain order. Monitoring mechanisms should be in place to ensure that security forces act lawfully and are held accountable for any abuses. International observers, local civil society, and media can play a role in this, increasing transparency and reducing the likelihood of misconduct

According to recent polling data, the majority of South Sudanese think that the electoral process will lead to an increase of violence (see figure 1). The data, however, also shows that these perceptions are highly localised and differ strongly from county to county. The preparations in terms of election violence, by both government and the UN mission, have thus evolved around a focus on hotspot areas.

Figure 1

Perceptions of possible election violence, 2024 South Sudan Public Perceptions of Peace Survey

There is likely to be an increase in violence during N = 4769; Year = 2024
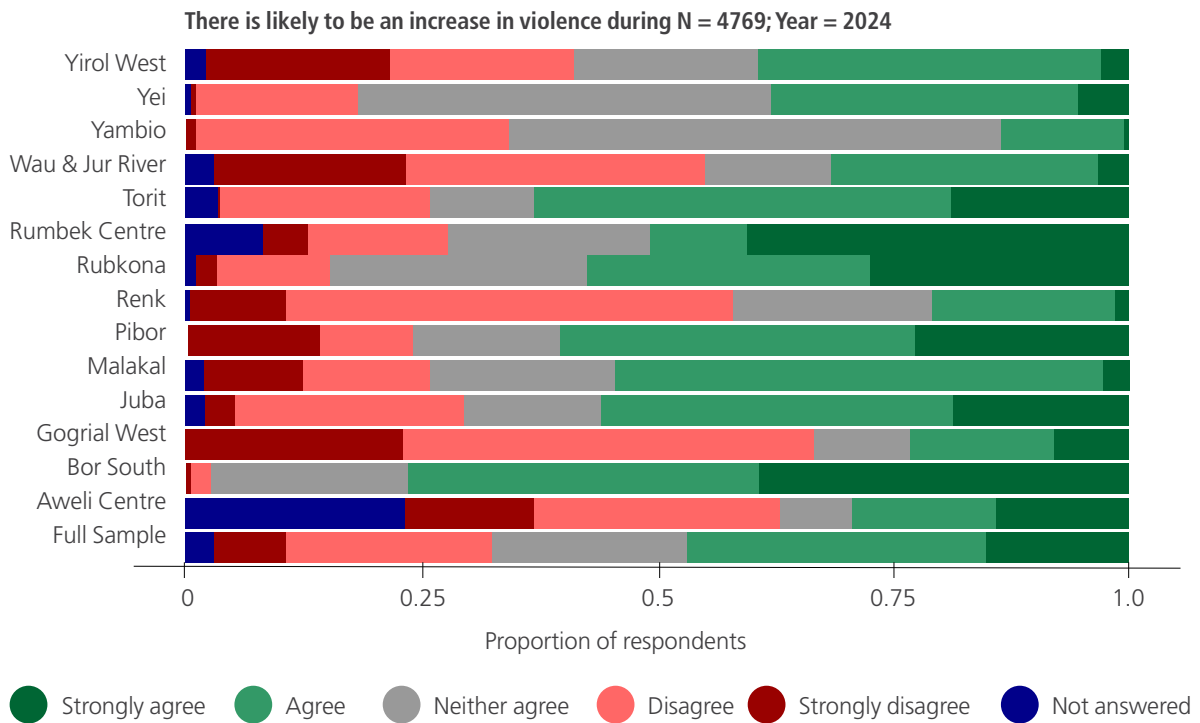
A close collaboration between the United Nations Police Service (UNPOL) and the election preparations of the South Sudanese police, which will formally be in charge of leading all efforts in terms of electoral security, has been initiated. From the start of the campaign period, it is planned to establish Joint Operation Centres (JOCs) in all ten states and the three administrative areas to coordinate activities of the police, the UN and other security providers. These JOCs should be operational over the campaign period until the declaration of election results.

The Ministry of Interior has established an election security committee that should oversee all processes. The South Sudan Police Service (SSPS) has also named a police general to lead these efforts, who will directly report to the Inspector General (IGP). It is planned to recruit and train a substantial number of additional police offers – likely to be several thousand – to be deployed in the lead up to the elections, especially to some of the hotspot areas set out above. However, at present it is unclear if these plans will be effective, even given the new extended timeframe, since the funding has not yet been provided.

To date, international support – mainly coming from the United Nations and the UN Integrated Election Assistance Team – has mainly focussed on training efforts designed to strengthen the leadership of the main electoral bodies. This is particularly necessary in light of the coordination challenges that the elections are likely to generate. While there is a common understanding among national stakeholders that the SSPS should be in the lead of electoral security, its exact relationship with the NEC or other security bodies such as the armed forces (SSPF) and National Security (NSS) is still unclear. The establishment of a national coordinating task force – or a comparable body – will therefore be necessary to establish and maintain the necessary cooperation level.

Finally, it is important to remember that there is also an important set of trade-offs to consider when it comes to security, even though maintaining peace is so critical for national unity and election quality. When it comes to the deployment of the security forces, one of the main trade-offs is between preventing an escalation of conflict and the other kinds of violence that often play out after the police and the military have been deployed. In Kenya, for example, the use of the police and paramilitary forces around elections has helped to prevent a return to the widespread violence of 2007/8. It has also been associated, however, with human rights abuses, with heavy handed responses to protestors, and in some cases attacks on opposition supporters. One aspect of these unwanted consequences of deploying the security forces has been gender-based violence. According to Naitore Nyamu-Mathenge, the Head of Office for Physicians for Human Rights, "The protests and unrest that followed Kenya's past general elections led to horrific waves of sexual violence perpetrated by security forces and non-state actors; we must not allow history to repeat itself. The Kenyan government is on notice for the heightened risk of sexual violence during periods of political instability and is obliged now to act swiftly to protect civilians from all forms of sexual violence."[15]

The deployment of the security forces to keep the peace therefore needs to be balanced against the need to safeguard women and children from harm. One way to do this is to enact training programmes and interventions with the security forces to promote respect for human rights, but these projects have often failed to reduce levels of Gender-Based- Violence (GBV), especially in areas of conflict in which it is difficult to track and monitor the behaviour of officers. This risk should therefore be at the forefront of policy-makers minds when deciding how and where to deploy the security forces during elections.

15 Nairobi News. "Medics Call on Authorities to Uphold Human Rights during Maandamano". Accessed December 9, 2024. https://nairobinews.nation.africa/maandamano-medics-call-on-authorities-to-uphold-human-rights/.

7. Conclusion: Towards peaceful elections in South Sudan

The decision to postpone general elections for two years disappointed many South Sudanese people who have consistently expressed their desire to vote for their leaders. But it is also an opportunity to ensure that when elections are finally held they are credible, inclusive and peaceful.

Two years may seem like a long time given that South Sudan was gearing up for elections in December 2024. In reality, however, it is a fairly short period given how long it takes to establish an effective electoral framework, dispute resolution process, and to ensure that electoral security is managed in an impartial and professional manner. In other words, the election postponement should not be interpreted as a reason to relax or pursue institution-building at a slower pace – if anything, the rate of progress will need to accelerate considerably if a further delay is not to be announced in twenty four months' time.

This report has set out some of the main factors that make elections more likely to trigger conflict in countries such as South Sudan. These include winner takes all political systems, a lack of resource sharing between different groups and regions, tensions between groups that claim to be "autochthonous" and communities they see as being "outsiders", the perception the process is unfair, controversies about the results, a lack of credible complaints mechanisms, the existence of active "spoilers", and planning failures by the security forces. None of these issues is easy to resolve, but with two years of continuous effort – and the willingness of political leaders to both compromise and accelerate the process of reform – credible and peaceful elections are feasible in 2026.

As with our previous report, "How (not) to hold elections in South Sudan", we have not sought to set out a prescriptive set of solutions to these challenges. There are many different ways to achieve inclusive and credible political and electoral systems, and it is important that the ones that are selected fit with the country's history and experiences – and are fully owned by its all of its people and political parties.

We have set out different options for election security, dispute resolution, pro-active conflict management, and building inclusive political systems. The choice between these options must be made by South Sudan's people and its leaders. What there is no choice about, however, is building stronger structures and processes to manage the divisive forces that elections can produce. Unless this is done the country's political future and indeed very existence will be put at risk.

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References

ACE Electoral Knowledge Network. "Inadequate Electoral Security Arrangements." Accessed December 9, 2024. https://aceproject.org/ace-en/topics/ev/factors-that-may-trigger-electoral-violence/internal-factors/planning-of-and-preparation-for-the-implementation/inadequate-electoral-security-arrangements/mobile_browsing/onePag.

Al Jazeera. "South Sudan Postpones December Election by Two Years." *Al Jazeera*, September 14, 2024. https://www.aljazeera.com/news/2024/9/14/south-sudan-postpones-december-election-by-two-years.

Friedrich-Ebert-Stiftung (FES). *Women's Leadership and Political Participation in South Sudan.* June 27, 2024. https://library.fes.de/pdf-files/bueros/suedsudan/21307-20240627.pdf.

Global Centre for the Responsibility to Protect. "South Sudan." Accessed December 9, 2024. https://www.globalr2p.org/countries/south-sudan/.

Inter-Parliamentary Union. "South Sudan: National Legislative Assembly."

Data on Parliaments. Accessed December 9, 2024. https://data.ipu.org/parliament/SS/SS-LC01/.

Nairobi News. "Medics Call on Authorities to Uphold Human Rights during Maandamano". Accessed December 9, 2024. https://nairobinews.nation.africa/maandamano-medics-call-on-authorities-to-uphold-human-rights/.

PeaceRep. "South Sudan Public Perceptions of Peace Survey." Accessed December 9, 2024. https://peacerep.org/perceptions-peace-south-sudan/.

Ministry of Justice and Constitutional Affairs, Republic of South Sudan. *Transitional Constitution of the Republic of South Sudan, 2011.* Revised March 2023. https://mojca.gov.ss/wp-content/uploads/2023/03/Transitional-Constitution-of-the-Republic-of-South-Sudan-2011.pdf.

The Fund for Peace. "Fragile States Index Global Data." Accessed December 9, 2024. https://fragilestatesindex.org/global-data/.

The Radio Community. "Salary Payment Tops the Resolutions of 8th Governor's Forum." Accessed December 9, 2024. https://theradiocommunity.org/salary-payment-tops-the-resolutions-of-8th-governors-forum-3558.

United Nations Peacekeeping. Brief on Violence affecting Civilians. April to June 2024. Accessed December 9, 2024 https://peacekeeping.un.org/en/subnational-violence-remains-significant-concern-affecting-civilians-across-south-sudan.

United States Department of State. *2023 Country Reports on Human Rights Practices: South Sudan.* Accessed December 9, 2024. https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/south-sudan/.

Ushahidi. "About Ushahidi." Accessed December 9, 2024. https://www-admin.ushahidi.com/about.

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