What must happen Now?
A Nation in Waiting



South Sudan's Critical Path to Electoral Readiness

Transition Period and Preparatory Measures

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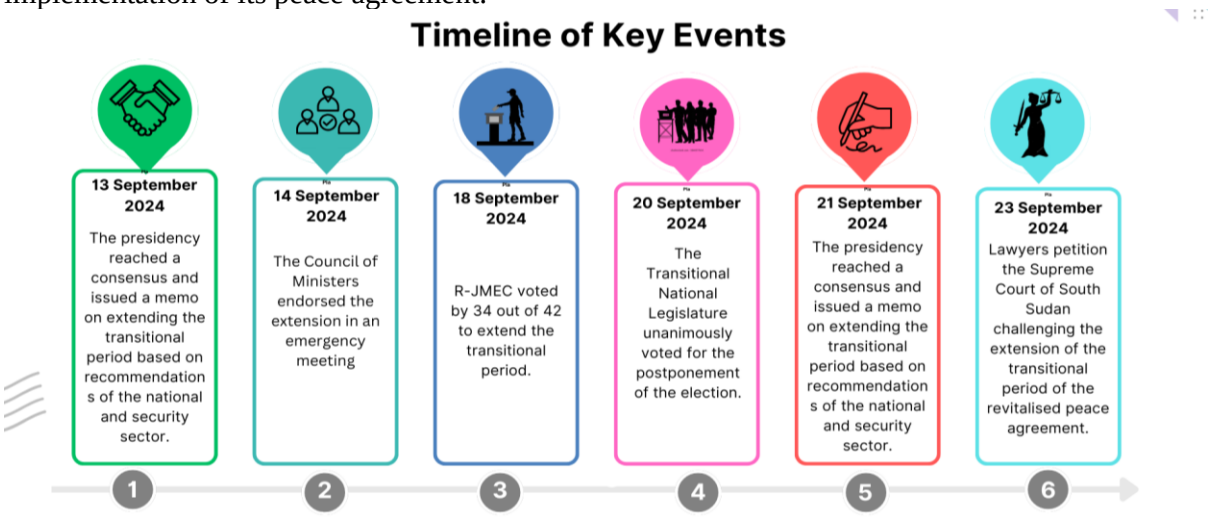
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Introduction

On the 18th of September 2024 we offered our thoughts regarding the postponement of elections in South Sudan in an article published on our website. The article analysed South Sudan's decision to postpone its December 2024 elections, evaluating whether the delay was justified based on international and regional standards. The paper examined various factors including technical and logistical readiness, security threats, need for electoral reforms, preparedness of election management bodies, and constitutional requirements. It concludes that the postponement appears justified due to significant challenges facing the country, such as ongoing humanitarian crises, severe technical and logistical issues, complex security threats, and incomplete implementation of key constitutional and legal requirements. **However,** the article also raises questions about the proportionality of the two-year delay and whether less restrictive alternatives were adequately explored. The paper emphasizes the importance of balancing the benefits of better-prepared elections against the costs of a delayed democratic transition and potential erosion of public trust. It concludes with recommendations for addressing the identified challenges and ensuring a successful electoral process in the future.

Timeline of Keys Events

Since the paper's publication, four significant events have unfolded in South Sudan. The Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC) voted to extend the transitional period, with 34 of its 42 members supporting the extension, while the remaining members, led by the troika, opposed it. Subsequently, on September 20, 2024, the Transitional National Legislature voted in favor of extending the transitional period by two years. This decision was formalized on September 21, 2024, when the President signed Amendment 21 to the Transitional Constitution of 2011, officially extending the period by two years. In a significant development on September 23, 2024, a group of lawyers petitioned the Supreme Court, challenging the extended transitional period of the revitalized agreement. These events highlight the ongoing political and legal complexities surrounding South Sudan's governance structure and the implementation of its peace agreement.



What is clear from the foregoing is that the country will most likely go into an election in two years. Those who opposed the decision point to the strong desire for elections among South Sudanese citizens, as evidenced by a national survey, which is aligned with the expressed commitment of the parties to the Revitalized Agreement to hold them on time. Elections are seen as a crucial step in South Sudan's transition to peace and democracy, and the international community has been supportive of them as a signal of progress. However, there are concerns that further delays could undermine the credibility of the peace deal and increase the risk of violence. Despite these challenges, other countries in the region have successfully conducted elections in difficult conditions, suggesting that South Sudan may also be able to do so. Ultimately, there is a growing

consensus that South Sudan needs to make a pragmatic decision to exit its "endless transition," even if conditions are not perfect.

However, it's important to note that these arguments are balanced against significant concerns about the country's readiness for elections and the potential risks of holding premature elections in a fragile political and security environment. While the sentiments expressed against the postponement have merit, it's crucial to carefully weigh them against the significant concerns regarding South Sudan's readiness for elections. The decision to postpone elections must strike a delicate balance between several critical factors: the potential benefits of better-prepared elections, the costs of a delayed democratic transition, the risk of potential instability, and the possible erosion of public trust. It's essential to consider the fragile political and security environment in South Sudan. Holding premature elections in such a context could potentially exacerbate existing tensions and undermine the very democratic principles the country and its partners aim to uphold.

Transition Period and Preparatory Measures

The question many are now asking, considering the significant developments, is **what must happen between now and when the elections are held?** Has die has been cast or the courts will rule otherwise. What's clear however is this postponement presents a unique opportunity to build strong electoral institutions in the country. By leveraging this additional time effectively, the country and its partners can work towards creating a more robust democratic foundation. This approach can help ensure that when elections do take place, they are not only free and credible but also contribute to long-term stability and democratic consolidation in South Sudan. The focus now should be on utilizing this period to strengthen democratic institutions, improve the security situation, and foster a political environment conducive to genuine democratic expression. This includes prioritizing the completion of essential reforms, such as finalizing the permanent constitution and establishing an effective election dispute resolution mechanism.

Simultaneously, efforts must be made to enhance the capacity of the National Elections Commission (NEC) and address critical security concerns, particularly the implementation of Transitional Security Arrangements. Furthermore, this extended period should be used to invest in infrastructure development, conduct comprehensive civic education programs, and engage international support for technical and financial assistance. Maintaining inclusive political dialogue throughout this process is crucial to ensure consensus and address concerns from all stakeholders.

While this measured approach is challenging, it offers the best chance for South Sudan to navigate its complex political landscape and move towards a more stable and democratic future. By setting clear milestones, implementing transparency measures, and developing contingency plans, the country can work towards holding elections that truly reflect the will of its people and contribute to lasting peace and stability. Ultimately, this postponement, if utilized wisely, could serve as a turning point in South Sudan's democratic journey, laying the groundwork for a more robust and inclusive political system that can withstand the challenges of the future.

Setting the Agenda for the Next Two Years

In the matrix below the paper outlines a comprehensive agenda for the next two years, focusing on key stakeholders crucial to South Sudan's electoral preparations. The paper proposes specific measures for four core groups: the National Elections Commission (NEC), Civil Society Organizations (CSOs), Political Parties, and the Government of South Sudan. By strategically utilizing this extended period, the nation and its partners have a unique opportunity to build a stronger democratic foundation. The success of the interventions is anchored on the political will of the authorities in South Sudan to see the conduct of credible elections.

Institution	Activities
The National Elections Commission (NEC)	**Develop a clear roadmap and timeline.** • The NEC must create a detailed plan with specific milestones for electoral preparations, including voter registration, constituency delineation, and other critical tasks. **Build institutional capacity:** • Secure adequate funding and resources to enhance the NEC's operational capabilities. • Provide comprehensive training to NEC staff on electoral management best practices. • Establish and equip state and local electoral offices. **Update the legal framework:** • Work with relevant stakeholders to finalize essential electoral laws and regulations. • Advocate for the completion of the permanent constitution, which is crucial for elections. **Improve voter registration:** • Plan and implement a comprehensive voter registration process, potentially using new technologies to enhance accuracy and efficiency. • Address challenges related to registering displaced persons and refugees. **Enhance electoral security:** • Collaborate with security agencies to develop a comprehensive electoral security plan. • Advocate for the implementation of security sector reforms outlined in peace agreements. **Conduct civic and voter education:** • Design and implement widespread voter education programs to ensure citizens understand the electoral process and their rights. • Engage with civil society organizations to expand the reach of these programs. **Strengthen stakeholder engagement:** • Establish regular consultations with political parties, civil society, and other key stakeholders. • Develop mechanisms for inclusive political dialogue throughout the electoral preparation process. **Improve logistical preparedness:** • Assess and address infrastructure challenges, particularly in remote areas. • Develop plans for the distribution of electoral materials across the country. **Enhance transparency measures:** • Establish regular public reporting mechanisms on the progress of electoral preparations. • Develop systems for real-time sharing of electoral data and results. **Engage international support:** • Seek technical and financial assistance from international partners like UNMISS through the Integrated Electoral Assistants Team (IEAT). • Coordinate with international organizations for electoral observation missions. **Develop contingency plans:** • Create flexible strategies to adapt to potential challenges that may arise during preparations.
	Provide technical and financial assistance: • Support the National Elections Commission and other relevant electoral bodies with funding, resources, and capacity building to prepare for credible elections • Support in developing the electoral legal framework, including finalizing the permanent constitution and passing necessary electoral laws **Support electoral reforms and processes:** • Support the establishment of an effective election dispute resolution mechanism

Institution	Activities
The Development Partners	• Provide expertise for voter registration, constituency delineation, and other technical aspects of election preparation • Support the development of political parties and a multi-party system. **Enhance security and stability:** • Assist in implementing Transitional Security Arrangements, including unification of forces, to create a stable environment for elections • Support efforts to address intercommunal conflicts and other security challenges **Promote civic education and engagement:** • Fund and implement comprehensive civic and voter education programs to ensure citizens understand the electoral process and their rights • Support civil society organizations in advocacy efforts and grassroots engagement. **Provide election observation and monitoring:** • Offer international election observers, with a focus on partners and multilateral organizations as preferred by South Sudanese citizens. • Support domestic election monitoring efforts by civil society organisations such SSUNDE. **Facilitate inclusive political dialogue:** • Encourage and mediate dialogue among all political stakeholders to maintain consensus throughout the transition period • Support initiatives like the Tumaini Initiative for broader political inclusion. **Address humanitarian needs:** • Increase humanitarian assistance to address food insecurity and support refugees and internally displaced persons. **Promote transparency and accountability:** • Support the establishment of regular public reporting mechanisms on electoral preparations • Assist in developing anti-corruption initiatives. **Strengthen civil society and media:** • Support civil society organizations, media, and faith-based groups in establishing mechanisms for discourse on national vision and political governance. • Assist in creating safe spaces for civil society collaboration and advocacy.
Civil Society Organisations	**Advocate for electoral reforms:** • CSOs can push for the completion of essential reforms, including finalizing the permanent constitution and passing necessary electoral laws. • They can also advocate for the creation of an effective election dispute resolution mechanism. **Conduct civic education and issue-based voter education:** • CSOs can play a crucial role in launching widespread voter education programs to ensure citizens understand the electoral process, their rights, and the importance of their participation in the democratic process. **Monitor electoral preparations:** • Organizations can act as watchdogs, monitoring the progress of electoral preparations and holding the government and electoral bodies accountable for meeting milestones outlined in the electoral roadmap. **Engage in inclusive political dialogue:** • CSOs can facilitate and participate in dialogues among political stakeholders to maintain consensus and address concerns throughout the transition period. **Support voter registration efforts:** • They can assist in voter registration processes, particularly in reaching marginalized communities, internally displaced persons, and refugees. **Advocate for transparency:**

Institution	Activities
	• CSOs can push for the establishment of regular public reporting mechanisms on the progress of electoral preparations to maintain trust and accountability. **Collaborate with international partners:** • Organizations can work with international NGOs and bodies like UNMISS IEAT to bring in technical expertise and resources to support electoral preparations. **Address security concerns:** • CSOs can advocate for and monitor the implementation of Transitional Security Arrangements to help create a stable environment for elections. **Promote political inclusion:** • They can support initiatives like the Tumaini Initiative to ensure broader political inclusion in the electoral process. **Build capacity for election monitoring:** • CSOs can prepare to serve as domestic election observers by training staff and volunteers in election monitoring techniques. **Advocate for vulnerable groups:** • Ensure that the needs and rights of marginalized communities, women, youth, and persons with disabilities are considered in electoral preparations.
Government of South Sudan	**Implement electoral reforms:** • Finalize the permanent constitution • Pass necessary electoral laws and regulations • Establish an effective election dispute resolution mechanism • Conduct voter registration and constituency delineation, even without a full census **Address security concerns:** • Accelerate the implementation of Transitional Security Arrangements • Unify national security forces to ensure electoral security • Work on reducing intercommunal violence and political tensions **Improve technical and logistical readiness:** • Secure adequate funding for the National Elections Commission and other relevant bodies • Invest in infrastructure development, particularly road networks, to improve accessibility for voting • Address the economic crisis and ensure civil servants are paid to maintain capacity for election preparations **Enhance political inclusivity:** • Continue supporting initiatives like the Tumaini Initiative for broader political inclusion • Encourage the shift from ethnic-based to nationally oriented political parties • Foster internal democracy within political organizations **Strengthen election management bodies:** • Provide resources and support to the National Elections Commission • Operationalize key institutions like the Political Parties Council • Build capacity of state-level electoral management bodies **Conduct civic education:** • Launch comprehensive voter education programs • Ensure free civic space for campaigning and political activities **Address displacement issues:**

Institution	Activities
	• Develop strategies to enfranchise internally displaced persons and refugees **Improve transparency and accountability:** • Establish regular public reporting mechanisms on electoral preparations • Engage in inclusive political dialogue with all stakeholders **Seek international support:** • Engage with international partners for technical and financial assistance • Coordinate with organizations like UNMISS for support in election preparations **Develop contingency plans:** • Create flexible strategies to address potential challenges that may arise during the preparation period
Political Parties	**Shift towards national orientation:** • Political parties should work on transitioning from ethnic-based to nationally oriented parties. This shift can help reduce intercommunal tensions and promote a more unified political landscape. **Foster internal democracy:** • Parties should focus on developing and strengthening their internal democratic processes. This includes transparent leadership selection and policy-making mechanisms. **Engage in electoral reforms:** • Participate actively in discussions and advocacy for necessary electoral reforms, including the finalization of the permanent constitution and the passage of essential electoral laws. **Develop policy platforms:** • Use this time to develop comprehensive policy platforms that address the nation's key issues, moving beyond ethnic or regional interests. **Build capacity:** • Invest in training party members and potential candidates on electoral processes, campaign strategies, and governance principles. **Participate in inclusive dialogue:** • Engage in inter-party dialogues and initiatives like the Tumaini Initiative to foster broader political inclusion and consensus-building. **Contribute to civic education:** • Collaborate with civil society organizations and the National Elections Commission to conduct voter education programs, helping to inform and engage the electorate. **Prepare for voter registration:** • Mobilize supporters to participate in the voter registration process once it begins, ensuring broad representation of their constituencies. **Address internal conflicts:** • Work on resolving any internal party conflicts or factionalism that could undermine their effectiveness in the electoral process. **Engage with election management bodies:** • Establish constructive relationships with the National Elections Commission and other relevant bodies to stay informed about electoral preparations and contribute to the process. **Develop election monitoring capacities:** • Train party members to serve as election observers to help ensure the integrity of the eventual electoral process.

Legend

NEC		Dev Partners		CSOs		GVT of SS		Pol Parties	

Conclusion

The postponement of South Sudan's elections presents both challenges and opportunities for the nation's democratic journey. While the delay has been met with some opposition, it offers a crucial window to address the significant obstacles that could undermine the integrity and effectiveness of the electoral process. The extended transitional period should be utilized strategically to strengthen democratic institutions, improve security, enhance political inclusivity, and conduct comprehensive civic education. Finalizing the permanent constitution, establishing an effective election dispute resolution mechanism, and enhancing the capacity of the National Elections Commission are essential steps for a robust democratic foundation. Accelerating the implementation of Transitional Security Arrangements is crucial for creating a stable environment conducive to free and fair elections. Initiatives like the Tumaini Initiative should be supported to ensure broader political participation and representation. Widespread voter education programs are essential to ensure citizens understand the electoral process and their rights.

The success of this transitional period hinges on the coordinated efforts of multiple stakeholders. The National Elections Commission must develop a clear roadmap and timeline for electoral preparations. Development partners should provide technical and financial assistance to support electoral reforms and processes. Civil society organizations have a crucial role in advocacy, civic education, and monitoring electoral preparations. The Government of South Sudan needs to implement electoral reforms and address security concerns. Political parties should work towards national orientation and foster internal democracy.

By leveraging this additional time effectively and maintaining a commitment to transparency and inclusivity, South Sudan can work towards creating a more robust democratic foundation. While challenges remain, this measured approach offers the best chance for the country to navigate its complex political landscape and move towards a more stable and democratic future. Ultimately, the success of this transitional period will be measured by the country's ability to hold free, fair, and credible elections that truly reflect the will of its people and contribute to lasting peace and stability in South Sudan.

Taona, the Managing Partner of TDGHRconsult, is a specialist in election-related support with a diverse clientele including electoral management bodies, political parties, civil society organizations, civil registries, and law enforcement agencies. His expertise encompasses a wide range of electoral assistance services, from providing technical guidance and developing institutional strategies to conducting election monitoring and implementing voter education initiatives. Taona's focus on ensuring the integrity of election processes has led him to work extensively in South Sudan, where he has gained a deep understanding of the country's complex political landscape. His comprehensive approach to electoral assistance has made him a valuable asset in promoting democratic processes and institutional development in challenging environments.