



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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Weekly Review

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Improving Gender Equality Quota Implementation in Post-conflict South Sudan

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The importance of gender equality¹ continues to dominate governance and constitutional discourses in a range of developing and fragile societies, especially in Africa. Often, three major premises, among other things, underpin the significance of promoting greater gender equality in these societies. The first premise is that women and girls, even as the need for inclusivity is widely recognized, continue to face discriminatory practices due to entrenched sociocultural and historical barriers, retarding their full participation and potential in public matters. The consequence, as commonly referenced, is a disadvantaged half of the society. The second premise concerns the fact that women's leadership helps them address their immediate needs and wants. That is, 'gender roles determine access to resources' (Mai et al 2018). The last premise concerns the fact that gender inequality has negative consequences for the entire society, not just women and girls. In response to these concerns, what readily rings the bell among the concerned political leaders and policy-makers, therefore, is a policy strategy that is intended to engender sufficient gender equality for the greater good of the society².

Like many other developing contexts faced with gender balance issues, South Sudan joined this debate over a decade ago, subsequently adopting a minimum of 25 percent women representation quota in the interim constitution. Following the independence, this quota was maintained, with the Transitional Constitution devoting three clauses³ to this important policy. In 2013, the Sudan People's Liberation Movement (SPLM), the governing party,

¹ Gender equality 'means women having equal access to social, cultural, economic, and political opportunities as men' (Edward 2013).

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³ 108 (3) The President shall ensure that at least twenty-five percent of members of the Council of Ministers are women. 122(6) There shall be a substantial representation of women in the Judiciary having regard to competence, integrity, credibility and impartiality. 142(3) The National Government shall ensure that at least twenty-five percent of the membership of each of these institutions and commissions shall be women.

proposed raising this quota to increase women’s participation in public life. In the recently signed peace agreement, known as the Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS), this long propagated quota increase was implemented—stipulated as 35 percent. Article 1(1.12.2) and Article 5(1.1) of the R-ARCSS guarantee 35 percent participation of women in the Executive and in the Transitional Justice Institutions. Moreover, Article 1(1.4.4) states that the “[provisions] of the Transitional Constitution of the Republic of South Sudan and ARCSS on participation of women (35%) in the Executive shall be observed.”

To help foster a better understanding on how South Sudan has been grappling with the issue of gender inequality in the last few years, this weekly review highlights the experience of implementing pro-gender parity statutes and policies. After exploring the gaps between the ideals and practice, as far as the implementation is concerned, the review suggests what could be done to realize the fundamental objectives of these policy commitments, especially as the country moves to restore stability. Thus, of importance are strategies through which the newly introduced quota system, the 35 percent, can be implemented.

While the significance of women’s involvement in decision-making is widely recognized in South Sudan as evident by the adoption of a number of constitutional clauses and policies, the implementation of these mandates continues to be grossly inadequate. In a review the Sudd Institute published in 2013, only the National Legislative Assembly met the 25 percent women representation quota, with the Judiciary allocating the lowest share of women representation—3 percent (Mayai 2013). Furthermore, complaints abound—women in the executive wing of the government are often seen as being politically coopted, hence are suspected to not represent the greater interests of women and girls (Edward 2013).

Nevertheless, the South Sudanese political leaders and decision-makers deserve appreciation for keeping an eye on the necessity to have more women participants in the government, albeit dismal implementation or gains. Notably, the noted implementation gaps are a product of the many underlying barriers the politicians hardly think of addressing (Edward 2013). These barriers include a significantly low human capital among women and girls, socio-cultural biases, strained political space, and lack of political will, a chief enabler. In the absence of a measured strategy integrated in all government agenda to confront these stumbling blocks, any policy pronouncements in this context are likely to be considered political theatrics, with politicians offering statistics that have no substantive attainments.

With a newly signed peace agreement, however, South Sudan’s leadership is presented with yet another opportunity to prove that women and girls’ role is imperative for statebuilding. To this, one of the critical enablers of gender equality that South Sudan ought to promote is the *presence of feminist voices* in the country (Tønnessen 2011). This prompts the need for a broadening political space to allow wider debates on such issues as gender, governance, and an integrated agenda on an inclusive human development. This policy pointer is in light of the fact that the current political environment is generally considered restrictive for progressive debates. A freer political space brings more critical voices out in support of women and girls’ cause (s).

Secondly, women are often denied leadership positions because they are presumed to be lacking in capacities. In an environment where competition for employment based on merits is nearly nonexistent, coupled with discriminative cultural practices, women face heightened exclusion. Although there should be a targeted accommodation for women in relation to men as several statutes and policies advance, women should be allowed to compete for the quota allotted leadership positions. This competition within the group produces the most qualified and issue driven women, consequently increasing the role and influence of women in politics and decision-making—all for the greater good of the South Sudanese society. As a point of departure, this competition ought to be embraced by political institutions or parties first. After the party-level free competitions, the successful candidates can now be forwarded to the parliaments for an additional vetting. Therefore, hand-picking women to represent the wider constituency as often practiced should be minimized during the R-ARCSS implementation. This requirement could as well be explicitly stipulated in the upcoming constitution, especially for a *director* position and higher.

Third, because of longstanding unfavorable social conditions, there has been limited skill and professional growth for South Sudanese women and girls. The R-ARCSS, drawing from the SDGs, stands a unique chance to put critical emphasis on resources mobilization targeted toward women and girls' capacity programming. These resources may include quota based scholarships for academic, technical, and leadership training. Furthermore, programs that concentrate on eliminating skill development inhibiting social barriers, such as early/forced marriage and setting aside resources for childcare for single mothers and low-income households, are also desirable.

Fourth, many South Sudanese believe that one of the most constraining factors for women and girls' advancement in the country is the underlying lack of political will. The South Sudanese political leaders seem to say one thing and do quite a different one in the realm of gender equality policy. The extent to which the 25 percent quota has been executed, modest as the studies have repeatedly shown, confirms this dissatisfaction. Gladly, however, the R-ARCSS now grants the South Sudanese politicians yet another opportunity to 'practice what they preach.' This means that the 35 percent just allocated in the agreement ought to be substantively delivered upon. Similarly, South Sudan is very lucky, for it could take courage and follow Ethiopia whose cabinet is half women, including a woman minister of defense and a woman president.

Finally, it is never clear to what extent South Sudan does monitor progress on its policy commitments primarily owing to the reluctant of its institutions to monitor and track results. For instance, the country's recent decision to scale up women's representation quota does not seem to be backed by any empirical evidence concerned with the need to do so. In fact, such a decision appears quite odd in the face of the country's foot dragging political will to adequately operationalize prevailing policies, i.e., the 25 percent quota. To materially realize the 35 percent policy in letter and spirit, a closely enforced monitoring and evaluation strategy should be devised. The monitoring and evaluation policy can be an integrated one and which commits all public institutions to enforce. To keep the political leadership abreast on gender equality policy and many others, there is need to create a Directorate of Policy at the Presidency. The Directorate, tasked with policy analysis,

surveillance, and advice, would produce periodic analyses into policy commitments of the government, with gender representation as a target constituent on which to keep an eye.

In summary, this review has highlighted the importance of gender equality in the South Sudanese context. The analysis is presented at the time when South Sudan is seemingly ready to implement a new agreement, which allocates 35 percent quota for women representation in public offices. Policy pronouncements alone, as has been utilized over the years, however, are not sufficient a condition for promoting gender equality. Realizing gains from such a policy requires removing retarding social obstacles, instituting a political courage, earmarking resources targeted toward empowering women and girls, and developing an instrument that monitors and tracks progress in all areas of importance.

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The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

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