

Draft Report
on Concerns
Around
South Sudan
Elections

Introduction

The upcoming elections in South Sudan have generated significant concerns among various stakeholders, including political parties, civil society organizations, and international observers. The primary issues revolve around the contradictions in the electoral process, the lack of essential legal frameworks, and the overall readiness of the country for free and fair elections.

Key Issues

1. Contradiction with the Peace Agreement

Article 12.6 of the peace agreement stipulates that elections should only be held after the permanent Constitution has been finalized, passed, and signed by the President. Additionally, the Election Act, as amended, reinforces this requirement. However, the decision by the Election Commission to set an election date has been made without fulfilling these prerequisites, leading to significant backlash from various stakeholders.

2. Reactions from Political Parties

One of the main signatories to the peace agreement, which includes the First Vice President of South Sudan, has rejected the election date set by the Election Commission. This faction argues that setting the date without proper consultation and the completion of necessary legal and constitutional frameworks is a violation of the peace agreement. Other political parties have also expressed dissatisfaction, calling for an inter-party dialogue to clarify the election process and ensure all conditions are met before proceeding.

3. Lack of Consultation

The Election Commission's decision to set an election date without consulting political parties, who are signatories to the peace agreement, has raised questions about the Commission's independence and impartiality. Proper consultation would have ensured a more inclusive and credible electoral process.

4. Financial Constraints

The Election Commission submitted a budget of \$233 million for conducting the elections, but the government has only committed to funding 15% of this amount. Currently, only \$5 million has been released, which is insufficient to cover the extensive logistical and operational costs of running a nationwide election. This financial shortfall casts doubt on the Commission's ability to effectively manage the electoral process.

5. Security Concerns

The security situation in South Sudan remains volatile, with various military wings of political parties yet to be integrated into a single national army. This fragmentation poses a significant risk to the safety and security of the electoral process and participants. Additionally, ongoing community conflicts further complicate the situation, making it challenging to ensure a peaceful election environment.

6. Lack of Electoral Preparations

Several critical preparatory steps for the elections have not been completed:

Census and Constituency Delimitation: A national census has not been conducted, and constituency boundaries have not been adequately defined. This is essential for determining the number of constituencies and ensuring fair representation.

Permanent Constitution: The permanent Constitution, a prerequisite for the elections, has not been finalized, leaving a significant legal void.

Registration of Political Parties: Many political parties have not registered due to restrictive conditions, such as the prohibition of military wings, which many parties still maintain. The registration deadline has passed, further complicating the political landscape.

Civil Society's Perspective

Civil society organizations have expressed grave concerns about the current state of the electoral process. They emphasize the risk of returning to conflict if the elections are held under the present conditions. The overarching sentiment is that it is better to delay the elections until all necessary legal, logistical, and security measures are in place to ensure a free, fair, and credible process.

Conclusion

The decision to set an election date in South Sudan has highlighted numerous issues that need urgent attention. The contradictions with the peace agreement, lack of consultation, financial constraints, security concerns, and incomplete electoral preparations collectively threaten the credibility and feasibility of the upcoming elections. It is imperative for all stakeholders to engage in meaningful dialogue and address these issues comprehensively to avoid plunging the country back into conflict. The focus should be on ensuring that the elections are conducted in a manner that upholds the principles of democracy, peace, and stability in South Sudan.