

# ENHANCING PROSPECTS OF STABILIZATION IN SOUTH SUDAN

## Targeted Constitutional Reforms to Reduce Winner-Takes-All Politics

*Adem Kassie Abebe*

This brief outlines certain key reforms to ensure that South Sudan's planned elections in 2026 do not worsen the intractable instability and economic malaise affecting the country, and potentially even lay the foundation for a transition towards stability.

The brief finds that the current constitutional framework concentrates power too heavily in the presidency, fuels winner-takes-all politics and leaves opposition groups with little confidence that elections alone will produce fair and peaceful outcomes.

To reduce these risks, the brief recommends reforms to make governance more balanced, inclusive and accountable. These include strengthening the autonomy and resources of the states, guaranteeing broad political representation in the national executive based on electoral outcomes, and introducing presidential term limits.

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### INTRODUCTION

In December 2025, the South Sudanese presidency (part of the Revitalized Transitional Government of National Unity of South Sudan) announced plans to hold long-delayed national elections in December 2026. If the elections are held, they will be the first since the country's birth as an independent state in July 2011 and could symbolically transform the successive peace agreement government into an elected government. Elections can offer citizens a political voice and provide veteran (rebel) leaders with an opportunity to pursue a generational transition to new leadership and political parties. Nevertheless, the way in which the elections are managed and conducted could also catalyse political fallout and push the country into a broader armed conflict.

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**If elections are held in December 2026, they will be the first since the country's birth as an independent state in July 2011.**

In line with the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), the country has been governed since 2020 under a transitional arrangement among the signatory parties, notably the Sudan People's Liberation Movement-in-Government (SPLM-IG), led by President Salva Kiir, and the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), led by First Vice President Riek Machar. This arrangement is nominally based on power sharing, with each group formally leading certain ministries. Nevertheless, decision making and resource distribution remain firmly within the purview of the Office of the President.

This transitional arrangement was originally intended to end with the organization of elections under a new constitutional and security framework. However, the agreed preconditions for organizing elections—notably the adoption of a new constitution, the holding of a population census and the unification of security forces—have not materialized amid a lack of political will and entrenched mistrust among the key parties, leading to successive extensions of the transition period and the postponement of elections.

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The plan to hold elections at the end of 2026 will therefore require changes to the R-ARCSS to remove these preconditions. Since the R-ARCSS has been incorporated into the Transitional Constitution, such changes cannot legally enter into force without constitutional amendments. Although a faction of the SPLM-IO has agreed to the plan to hold elections, the main group aligned with Machar has rejected the proposal. In addition, Machar and his key allies have been in detention since March 2025 and are facing treason charges. Kiir has also replaced ministers allied with Machar. Fighting between government forces and armed groups loyal to the SPLM-IO continues. Accordingly, while stakeholders hold diverging views on whether elections should be held,<sup>1</sup> the current election plan and associated reforms are largely unilateral initiatives on the part of Kiir's group, and any formal amendments would rest on shaky legal grounds.

In addition to removing the preconditions for elections, stakeholders must agree on the framework for the elections and determine the structure and functions of the post-election government. In this regard, the president announced in February 2026 the establishment of a Steering Committee for Inter-Party Dialogue to facilitate discussions among the various parties. These negotiations are likely to be complex, and their outcome remains uncertain. There will also be significant challenges in preparing the infrastructure for elections, including reforming electoral laws, strengthening the electoral management body, determining constituencies in the absence of reliable census data, educating and registering voters and candidates, procuring and distributing the necessary materials and organizing the elections themselves. The planned elections will therefore face legal, political, resource,<sup>2</sup> capacity,

<sup>1</sup> Some members of the African Union's High-Level Ad Hoc Committee for South Sudan (C5 Committee) reportedly support the plan to hold elections, with constitutional reform to be led by the elected government.

<sup>2</sup> In particular, the National Elections Commission has reportedly received only 4 per cent of its requested budget for 2026 ([Radio Tamazuji 2026](#)).

logistical and, crucially, legitimacy and security challenges. The elections may therefore be delayed beyond 2026.

The government appears to be focused on reforms to enable elections. Nevertheless, the current transitional constitutional arrangement is characterized by the centralization and personalization of power in the Office of the President, which entrenches a winner-takes-all political architecture and do-or-die competition, reflecting a hierarchical governance culture shaped over decades of armed rebellion. Accordingly, if elections are held without additional reforms to temper the current dispensation, they risk further destabilizing the country rather than ushering in a new era of relative stability and effective governance (Bali 2024).

This brief outlines possible reforms that can be pursued as part of ongoing efforts to enable elections. These reform proposals are designed to ensure a better balance between the powers and resources of national and state governments, to establish an inclusive national government and to guarantee regular and peaceful succession or rotation in power. In combination, these reforms can increase the likelihood of acceptance of the electoral process and its outcome and reduce incentives for resorting to violence. Stakeholders should therefore encourage, and even condition their support for elections on, the adoption of a significant portion of these proposed reforms.

Ultimately, institutional arrangements are insufficient for securing peace and laying the foundation for effective and efficient governance. The prevailing culture of ignoring both the letter and the spirit of laws and the Constitution means that there is no guarantee that any reforms would be meaningful or implemented. While necessary, targeted reforms cannot serve as a panacea for South Sudan's deep-rooted challenges, which require committed and sustained leadership, a willingness to work together, and respect for agreements and laws. Moreover, dialogue on the appropriate institutional arrangements for the country, on building a shared sense of belonging and on establishing effective governance would need to continue after the elections.

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## 1. REDUCING THE LIKELIHOOD OF INSTABILITY

To remove the incentives for electoral violence and manipulation and decrease the likelihood that the opposition will reject the outcome of the elections, targeted constitutional and legal reforms grounded in inclusive visions of governance may be considered. Such reforms are critical not only to achieving agreeable outcomes in fragile circumstances but also to avoiding worst-case scenarios, including the possibility of escalation into all-out civil war. The reform proposals are designed to provide legitimate ways of empowering the individuals and groups that emerge with broad electoral support, while also avoiding exclusionary and destabilizing outcomes. The proposals may therefore be acceptable to the SPLM-IG and could provide concrete ideas to

**The reforms proposed here are not new and were partly reflected in the recommendations of the national dialogue process that concluded in 2020.**

stakeholders seeking to mediate a viable solution to the challenges facing the country.

These reform proposals are not entirely new. In particular, finding a balance between national and state governments has been a recurring issue. The ideas of inclusive government and rotation in power also resonate in South Sudan, including as reflected in the recommendations of the national dialogue process that concluded in 2020 ([South Sudan National Dialogue Steering Committee 2020](#)).

### 1.1. National–state balance

One of the core policy differences in South Sudan concerns the balance of power and resources between the national government and the states, often presented as a debate around federalism ([Wol 2026](#)). Regardless of the framing, the central issue relates to concerns that, because of numerical differences among linguistic groups, national government institutions are likely to be dominated by individuals from the Dinka community. This dominance is of particular concern to the Nuer (numerically strong in the east and north-east) and groups found in the Equatoria region, in the south of the country. The Nuer and other communities in Equatoria wish to secure more autonomy and resources at the state level. The issue of finding a balance between national and state governments also resonates among the Dinka public and elites.

#### 1.1.1. *Restricting the president's power to remove governors*

The president's discretionary power to remove state governors has generated a sense of hierarchy and also distorted governors' political incentives and priorities, as they have to focus on maintaining the president's confidence. The repeated removal and replacement of governors has generated resistance, even in cases where these governors were appointed by the president. In view of the expected direct election of governors by the people, there is an even stronger case that they should be protected from discretionary presidential removal. Accordingly, constitutional reform amending article 101(r) and (s), which the president has invoked to remove governors and dissolve state assemblies, to guarantee security of tenure for state governors will be critical.

Such a change could promote stability and align the political incentives and accountability of governors to the residents of their respective states rather than to the presidency, thereby creating conditions for improved and more accountable governance. While federal intervention may be justified under exceptional circumstances, such authority should not rest solely with the presidency. It should instead involve more collective decision making, potentially including (supermajority) approval in parliament and within the inclusive cabinet proposed below.

#### 1.1.2. *Balancing revenue sharing*

Alongside protecting the tenure of governors, mechanisms to guarantee a minimum share of national revenue for the states may be developed. Without sufficient financial resources, state autonomy may be hollow, and accountability may flow upwards to the Office of the President rather than

to the people. While the Transitional Constitution establishes a Fiscal and Financial Allocation and Monitoring Commission to ensure transparency and fairness in the allocation of national funds to states and local governments (article 181) and establishes the principle of equitable revenue sharing (article 169(5)), it does not guarantee an adequate share of the national revenue for the states. The only exception concerns revenue from oil and petroleum, where the source states and communities receive two and three per cent of this revenue, respectively (article 178(1)). Moreover, the president unilaterally appoints and removes the members of the Commission.

Based on comparative experience, most productive revenue sources will likely remain under national control. Accordingly, reforms could seek to ensure the Commission's autonomy and inclusiveness, while also considering a higher (minimum) guaranteed allocation of national revenue to the states.

Overall, a more secure and relatively well-resourced position at the state level, alongside effective mechanisms to ensure compliance with these arrangements, may increase the likelihood that those who may be dissatisfied with the electoral outcome at the national level will nonetheless accept the results.

## 1.2. Ensuring an inclusive national government

A political system founded on a winner-takes-all arrangement, whereby the presidential candidate who wins a plurality or even 50 per cent plus one vote would assume exclusive control of the cabinet and government, is unlikely to provide the winner with the legitimacy necessary to govern and could exacerbate instability.<sup>3</sup>

Currently, the nominal power-sharing government is based on a formula agreed in the R-ARCSS. While the public prefers a broadly inclusive government, as reflected in the outcomes of the national dialogue process, representation under the peace agreement is based on military strength, raising questions about the legitimacy of the arrangement. Accordingly, the shift towards elections need not lead to the abandonment of the focus on inclusion as a key basis for legitimacy and stability. Instead, it can ensure that inclusion in government reflects popular support. Particularly in contexts such as South Sudan, with a limited democratic culture, if the electoral process is used to reward (perceived majority) winners and exclude (perceived minority) losers, it is likely to be a source of instability.

In this context, electoral planning may incorporate reforms to ensure that all political parties that secure a significant share of the popular vote are automatically entitled to positions in the cabinet. This arrangement can ensure that political parties are represented not only in parliament, as is often the case, but also in the executive, thereby mitigating the problem of winner-takes-all politics. The system could also be designed to ensure better representation

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<sup>3</sup> Arthur Lewis (1965: 64–65) notes that, '[i]n a plural society, the approach to politics as a zero-sum game is immoral and impractical', and proposes the idea of inclusive coalitions.

of women and youth, by requiring all political parties to submit an inclusive list of candidates for their allocated cabinet positions.

While such arrangements are not common in comparative practice, they have been implemented in certain contexts, including in Africa, in both parliamentary and presidential systems. For instance, under South Africa's 1993 Interim Constitution, which was in force until 1996, political parties that secured at least 20 per cent of seats in parliament were entitled to the position of vice president, while those that obtained at least 5 per cent of the vote were entitled to representation in the cabinet. Under Rwanda's 2003 Constitution, cabinet members are selected from political parties on the basis of their share of seats in the Chamber of Deputies, the lower house of parliament ([Republic of Rwanda 2003: article 62](#)). Notably, no political party in Rwanda may hold more than 50 per cent of cabinet positions, regardless of its share of seats in the Chamber of Deputies. In addition, the president of the republic and the speaker of the Chamber of Deputies cannot come from the same political party.

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By establishing an inclusive cabinet, elections in South Sudan could confer a decisive mandate to govern without being exclusionary. These proposals provide for representation and inclusion in governance, without granting any political group a veto that could lead to deadlocks or paralysis in governance. Accordingly, a political group with overwhelming popular support would still be able to take decisions within the cabinet following a deliberative process.<sup>4</sup> An inclusive system may also ensure a continuous platform for regular and formal dialogue.

### 1.3. Recognizing a leader of the opposition

South Sudan may also consider establishing the position of leader of the opposition, who would have important functions, including a role in appointing key public officials, members of independent institutions, judges and leaders of state-owned enterprises. If the leader of the opposition is not included in the government under the proposed inclusive cabinet, the position could be provided with guaranteed remuneration and resources equivalent to those of a minister. For instance, the 1993 Constitution of Seychelles formally recognizes the leader of the opposition, granting official status and emoluments equivalent to those of a minister ([Republic of Seychelles 1993: article 84](#)). Crucially, to avoid the possibility of state capture through unilateral appointments by the president, the Constitution establishes a Constitutional Appointments Committee composed of five members—two appointed by the president, two appointed by the leader of the opposition, and a fifth member appointed jointly by the other four ([Republic of Seychelles 1993: Chapter IX](#)). The Committee appoints the highest judges, bureaucrats, the attorney general and members of independent institutions, such as the electoral commission.

Overall, enhancing opposition participation in governance through these proposed mechanisms may strengthen oversight of the incumbent government

<sup>4</sup> Certain decisions, such as those involving changes to electoral and constitutional laws, may require the approval of a supermajority ([Abebe 2023, 2024](#)).

and also encourage opposition groups to engage responsibly in the electoral process and to accept its outcome, thereby fostering the 'losers' consent' that is essential for political stability (Anderson et al. 2005).

#### 1.4. Guaranteed rotation of power through presidential term limits

South Sudan may also consider reforms to establish presidential term limits, which may diminish the ability of any single individual to capture and retain state power to the exclusion of others. Currently, the Transitional Constitution does not establish presidential term limits. The absence of term limits can be destabilizing, even in systems dominated by a single political party. In fact, term limits have been adopted in countries with dominant parties, such as Botswana, South Africa and Tanzania, partly as a mechanism for managing internal succession and reducing friction. Term limits force parties to establish clear procedures for selecting successors, thereby helping manage the expectations of ambitious individuals, both within and outside of the ruling group.

Indeed, the absence of term limits and succession rules within the SPLM at the height of its dominance may partly explain the split within the party and subsequent outbreak of conflict in 2013, which was driven by a power struggle between Kiir and Machar for the chairmanship of the party (and, by extension, for the presidency). While counterfactuals are always uncertain, the existence of term limits and expectations that Kiir would step down in the foreseeable future might have incentivized Machar to wait his turn rather than openly challenge Kiir's leadership.

Succession politics continues to fuel political instability, given Kiir's advanced age and reported ill health. The absence of clear succession arrangements has generated internal competition and resulted in frequent cabinet reshuffles as alliances shift. Similarly, the arrest of Machar, who is also advanced in age, has created space for potential factionalism and succession battles within his group. Historically, even before its split, the SPLM has struggled to manage succession effectively. Despite surviving the death of John Garang, its long-time leader, in 2005, the group never established clear lines of succession and continues to lack internal democratic processes.

The establishment of presidential term limits, alongside democratic processes within political parties, may enhance the prospects for greater political stability.

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## 2. CONCLUSION

As South Sudan prepares to hold elections, the country has an opportunity to usher in a new era of governance grounded in popular consent and accountability and to address the culture of winning at any cost. Nevertheless, elections are not neutral processes and do not occur in a vacuum. The constitutional arrangements that determine how electoral outcomes are translated into actual power and representation in parliament and in

government are crucial. These arrangements can determine whether elections contribute to stability and inclusion or instead justify exclusion and heighten the risk of instability.

This brief has outlined selected and targeted constitutional reforms that may enable planned elections in South Sudan to serve as instruments of legitimacy and stability. In combination, these reforms could increase the likelihood of broad support for elections and also lay the foundation for sustainable peace through inclusive governance. Stakeholders may therefore encourage, and even condition their support for elections on, the implementation of a significant portion of the proposed reforms. In addition to constitutional reform, stakeholders may encourage and support internal deliberations on succession within the major political groups.

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**Institutional arrangements are not a magic wand.**

Without such changes, elections risk becoming a superficial process to formalize the hegemony of one group, likely exacerbating the underlying issues that reinforce South Sudan's instability. However, institutional arrangements are not a magic wand. Notably, the political culture of dominance, hierarchy and exclusion will need to give way to a new culture of mutual recognition, cooperation and prioritization of the public interest. Institutional arrangements can support and shape this transition but cannot replace the importance of leadership and political culture.

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## **ABBREVIATIONS**

<b>R-ARCSS</b>	Revitalized Agreement on the Resolution of the Conflict in South Sudan
<b>SPLM-IG</b>	Sudan People's Liberation Movement-in-Government
<b>SPLM-IO</b>	Sudan People's Liberation Movement-in-Opposition

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