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# IMPLEMENTATION OF THE 35% PROVISION

REVITALIZED AGREEMENT ON THE RESOLUTION OF THE  
CONFLICT IN SOUTH SUDAN (R-ARCSS)



**Version 1**



# INTRODUCTION



Following the recent development in the implementation of the R-ARCSS, on the 12 March 2020 the President of the Republic of South Sudan appointed National Ministers to the Revitalized Transitional Government of National Unity (R-TGoNU). However, women noted with concern that the appointments fell short of the 35% commitment on women's participation. In an effort to avert further under appointments of women in other positions of R-TGoNU, members of the South Sudan Women's Coalition for peace, women politicians from different political parties, Academia, Youth Coalition and representatives from Civil Society Organizations met and reviewed several documents including the R-ARCSS and the SPLM Women's League strategy document on 35% Women's participation.

The main objective of the process is to analyze the 35% of all positions established by R-ARCSS and develop a tool that can be used to effectively monitor the implementation of the provision at all levels of R-TGoNU. Based on the analysis, the women came up with the below matrixes.

This tool can be utilized to

1. Guide the parties in allocation of positions for women at all levels in a more transparent manner
2. Ensure compliance and accountability of the parties to their commitment on improving gender equality
3. Monitor the implementation of the of the 35% provision by all stakeholders
4. Enhance advocacy efforts of stakeholders interested in ensuring gender equality is realized in South Sudan

The matrix comprises of two parts, National and State Government; the National Government includes the Presidency, Council of Ministers, the National Legislature, Commissions and other established Institutions while the State includes state government, county commissioners, Administrative Areas and City Mayors.

# NATIONAL GOVERNMENT

## The Presidency\*

S/N	Parties	Party	Gender
1.	President	I-TGoNU**	Male
2.	First Vice President	IO	Male
3.	Vice President - Economic Cluster	I-TGoNU	Male
4.	Vice President -Service Delivery Cluster	SSOA	Male
5.	Vice President – Infrastructure Cluster	I-TGoNU	Male
6.	Vice President – Gender and Youth Cluster	FDs	Female

\*Article 1.5 Structure of the Executive of the RTGoNU (1.5.1 – 1.5.4.5)

\*\*Article 1.3.1.1 - Definition of I-TGoNU as per R-ARCSS

## Council of Ministers of R-TGoNU\*

S/N	Parties	No. Seats	35%**	Gap
1.	I-TGoNU	20	7 Ministers	2
2.	IO	9	3 Ministers	0
3.	SSOA	3	1 Minister	0
4.	FDs	2	1 Minister	1
5.	OPP	1	0	0
	<b>Total</b>	<b>35</b>	<b>12</b>	<b>3</b>

\*Article 1.10.1 and 1.10.7

\*\*Articles 1.4.4 and 1.12.2 on the no. of women in the council of Ministers of RTGoNU

**Deputy Ministerial Seats\***

S/N	Parties	No. Seats	35%	Gap
1.	I-TGoNU	5	2 Deputy Ministers	1
2.	IO	3	1 Deputy Minister	1
3.	SSOA	1	0 Deputy Minister	0
4.	FDs	0	0 Deputy Minister	0
5.	OPP	1	1 Deputy Minister	1
<b>Total</b>		<b>10</b>	<b>4</b>	<b>3</b>

\*Articles: 1.11, 1.11.2 and 1.12.5 of the R-ARCSS

**Speakers of the National Legislative Assembly\***

S.No	Parties	No. of seats	35%
1.	I-TGoNU	1	0

\*Article: 1.14.3

**Deputy Speakers at the National Level\***

S/N	Parties	No. Seats	35%
1.	I-TGoNU	1	1
2.	IO	1	0
3.	OPP	1	0
<b>Total</b>		<b>3</b>	<b>1</b>

\*Article: 1.14.3

## The Transitional National Legislative Assembly (TNLA)\*

S/N	Parties	No. Seats	35%
1.	I-TGoNU	332	116 MPs
2.	IO	128	45 MPs
3.	SSOA	50	18 MPs
4.	OPP	30	10 MPs
5.	FDs	10	4 MPs
	Total	550 MPs	193 MPs**

\*Article: 1.14.2

\*\*Parties should consider regional balance in the allocation of seats in the National Legislature

## Speaker of Council of States

S/N	Parties	No. Seats	35%	Gap
1.	IO	1	1	2
	<b>Total</b>	<b>1</b>	<b>1</b>	<b>3</b>

\*Article: 1.14.5

In case the speaker of TNLA is a man, SPLM/A- IO should consider appointing a woman as a speaker for the council of states (One of the two speakers must be a woman)

## Deputy Speaker of Council of States

S/N	Parties	No. Seats	35%	Gap
1.	I-TGoNU	1	1	
2.	SSOA	1	0	2
	<b>Total</b>	<b>2</b>	<b>1</b>	<b>3</b>

\*Article: 1.14.5

## Council of States

At the time of developing this tool, parties to the agreement have not yet agreed on the number of members of the council of states as R-ARCSS is quite on the numbers. The current Council of states is formed of 50 members based on Article 94 of the Transitional Constitution 2011. Mindful of the 35%, we recommend equal number of members per state in the council of states.

## Bank of South Sudan\*

S/N	Position	No. Seats	35%
1.	Governor	1	0
2.	Deputy governors	2	1
3.	Board	9	3
	<b>Total</b>	<b>2</b>	<b>1</b>

\*Articles: 4.2.2.3 & 4.2.2.5

## Transitional Institutions and Mechanisms\*

S/N	Independent Commissions	Institution Proposed for Women
1.	Anti-Corruption Commission	Peace Commission
2.	Public Grievances Chamber	Fiscal, Financial, Allocation and Monitoring Commission
3.	Fiscal, Financial, Allocation and Monitoring Commission	Relief and Rehabilitation Commission
4.	National Audit Chamber	Refugee Commission
5.	Relief and Rehabilitation Commission	National Petroleum and Gas Commission
6.	Peace Commission	Roads Authority
7.	National Bureau of Statistics	Urban Water Cooperation

8.	Human Rights Commission	
9.	Judicial Service Commission	
10.	Civil Service Commission	
11.	Land Commission	
12.	Electricity Corporation	
13.	Refugee Commission	
14.	South Sudan Broadcasting Commission	
15.	National Petroleum and Gas Commission	
16.	National Bureau of Standard	
17.	Urban Water Corporation	
18.	Roads Authority	
19.	Commission for War-Wounded, Widows and Orphans	
20.	DDR Commission	
	<b>Total</b>	<b>7</b>

\*Article 1.19

### **Heads of New Institutions\***

<b>S/N</b>	<b>Institutions</b>	<b>Institution proposed for women**</b>	<b>35%</b>
1.	Public Procurement and Asset Disposal Authority	Public Procurement and Asset Disposal Authority	0
2.	Salaries and Remuneration Commission	Environmental Management Authority	
3.	Environmental Management Authority		



4.	Research and Development Centers: Natural Disaster, Strategic Studies and		
5.	Health Care Support Fund		1
6.	Student Support Fund		3
<b>Total</b>		<b>2</b>	<b>1</b>

\*Article 4.6.

\*\*Out of the 6 new institutions established by R-ARCSS, 35% (2 institutions) shall be given to women as shown above.

### Heads of Transitional Institutions to be headed by Women

S/N	Institution
1.	Chair of the Board of Special Reconstruction Fund (International member) *
2.	Youth Enterprise Development Fund**
3.	Women Enterprise Development Fund***
4.	Compensation and Reparation Authority (Executive Director appointed by I-TGoNU) ****

\* Article 3.2.4

\*\* Article 4.15.1.4. since the incumbent Ministry of youth is a male, a female Youth should head the Youth enterprise fund

\*\*\* Article 4.15.1.5 \*\*\*\*Article 5.4.1 and 5.4.2.1

### Other Important Institutions at National Level

The below are important institutions that are not necessarily mentioned in the R-ARCSS, we have however noted that women's participation in decision making in these institutions is almost nonexistent – this should therefore be reviewed and given due consideration during the transition period.

#### 1. Undersecretaries

Due consideration should be given to appoint a minimum of 35% women undersecretaries

#### 2. Ministry of Finance and Planning

The women have noted with serious concern that the decision-making positions of the Ministry

of Finance and Planning are all occupied by men. In the interest of ensuring that such an important institution is gender sensitive (art 4.3.1.1 - 4.3.1.8), women particularly request the Presidency to appoint women undersecretaries to this ministry. Since undersecretaries are technical positions, the women can provide a list of qualified women candidates to fill in these positions.

### 3. Foreign Missions

S/N	Positions	No. Seats	35%
1.	Ambassadors	29	10
2.	Deputy Ambassadors	29	10
	<b>Total</b>	<b>2</b>	<b>1</b>

### 4. Parastatal bodies (oil companies)

S/N	Positions	No. Seats	35%
1.	Vice presidents of oil companies*	6	2
	<b>Total</b>	<b>6</b>	<b>2</b>

\*All VPs of the oil companies are men, women should be considered this time



# STATE AND LOCAL GOVERNMENT

At the time of developing this tool, parties to the agreement have not agreed on the allocations of number of states to each party and there is no clarity on the exact number of the State Councils of Ministers, State Legislatures and County Councils. We however recommend the following;

1. In sharing state and local government positions, each party should allocate women with a minimum of 35% share according to the responsibility sharing ratio at State and local government levels (Art.1.16.1 – 1.16.1.4.)
2. Parties that may have one seat per state, should alternate the no. of men/women in the 10 states

## States Government

S/N	Parties	No. Seats	35%
1.	Governors	10	3
2.	Speakers	10	3
3.	Deputy Speakers	10	3

\*Articles: 4.2.2.3 & 4.2.2.5

## FDs State Ministerial Positions (three states of their choice) \*

S/N	Parties	No. Seats	35%
1.	FDs	3	1 Minister
	<b>Total</b>	<b>3</b>	<b>1</b>

\*Article 1.16.5

## County Commissioners

S/N	Parties	No. Seats	35%
1.	I-TGoNU	44	15

2.	IO	21	7
3.	SSOA	8	3
4.	OPP	6	2
<b>Total</b>		<b>79</b>	<b>27</b>

### Administrative Areas (Abyei, Pibor and Ruweng)

S/N	Position	No. Seats	35%
1.	Chief Administrative Areas	3	1

\*The mayor for Juba should be a woman

### City Mayors\*

S/N	Position	No. Seats	35%
1.	Mayors	10	3
2.	Deputy Mayors	10	3

\*The mayor for Juba should be a woman

### Notes

- Note that the 35% is just a minimum threshold requested by the Agreement, in order to ensure progress towards gender equality in South Sudan, parties should commit further and should not be restricted by the 35% provision, but should rather consider allocating more positions for women.
- The Women's coalition is ready to provide lists of qualified female candidates for any positions
- Appointment of Presidential Advisors – if more than one, gender balance should be taken into consideration.
- This document will be reviewed periodically to report on progress or lack thereof.





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