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Original Article

Safeguarding Women's Land Rights: The Role Transformational Leadership as a Game Changer: A Case of South Sudan

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ABSTRACT

Carrying out the study in Juba, South Sudan, with a specific focus on safeguarding women's land rights and exploring the role of transformational leadership is not only timely but also essential for addressing gender disparities in land ownership and contributing to broader efforts towards gender equality and sustainable development in the region. The incorporation of UNSCR 1325 in South Sudan has significantly altered the narrative surrounding women's roles, shifting them from passive recipients to active participants in peace and security endeavours. This resolution underlines the intrinsic right of women to engage in such processes, influencing the development of crucial policies and Legal Frameworks geared towards gender parity and women's empowerment, exemplified by instruments like the Transitional Constitution and National Action Plan. Moreover, UNSCR 1325 emphasizes the imperative of addressing the specific relief needs of women and girls during and after conflicts, positioning women as indispensable agents in relief and recovery processes. The study conducted in Juba gathered respondents from diverse backgrounds, including members of Community-Based Organizations, Faith Groups, women associations, Civil Society Organizations, village committees, community leaders, policymakers, subject matter experts, and political parties. Employing a qualitative research approach, the study utilized Focus Group Discussions (FGDs) and Key Informant Interviews to collect data and insights. Thirty research participants partook in three separate FGDs, each comprising ten members, while twenty-three Key Informant interviews were conducted with stakeholders. The qualitative data underwent meticulous thematic analysis, revealing the significant challenges faced by women in South Sudan when asserting their land rights, exacerbated by conflicting statutory and customary laws. The transformative impact of UNSCR 1325 was a central revelation from the study, reshaping women's roles in peace and security efforts and emphasizing their active participation. This paradigm shift has been instrumental in shaping policies and legal frameworks in South Sudan, such as the Transitional Constitution and National Action Plan, which prioritize gender equality and women's empowerment. Conducting further studies focusing on women's land rights and transformational leadership in South Sudan is crucial for advancing gender equality and sustainable

development, with recommendations including aligning laws, providing training, engaging champions, establishing information-sharing platforms, and developing comprehensive training programs tailored to promoting women's rights in land ownership. These recommendations aim to guide future interventions in fortifying women's land rights, fostering gender equality, and empowering women as pivotal actors in sustainable development efforts in South Sudan.

INTRODUCTION

The vulnerabilities faced by women in South Sudan are exacerbated by a complex interplay of socio-economic and cultural factors. Predominantly employed in the informal sector, many women lack stable jobs and social protection, resulting in precarious livelihoods characterized by a hand-to-mouth existence. As primary caregivers and heads of households, they own few assets and often live in crowded conditions, heightening their susceptibility to poverty. Deep-rooted cultural norms continue to perpetuate patriarchal structures, which contribute to the underrepresentation of women in land administration and decision-making roles. This lack of representation hampers women's ability to advocate for their rights in local governance, further entrenching their marginalization (UN Women, 2018 & World Bank, 2019).

Despite South Sudan's progressive legal framework concerning women's rights to land, the gap between established laws and real-world implementation remains vast. Landmark laws, such as the Land Act (2009) and the Local Government Act (2009), are in place to ensure women's property rights, with the Transitional Constitution explicitly affirming gender equality. However, the lack of effective enforcement mechanisms means that women's rights to land ownership often remain theoretical rather than practical. The disconnect between ideal legal protections and the grim realities women face on the ground is a significant barrier to empowerment.

The legal principles in South Sudan appear equitable on paper, with constitutional provisions and legislative acts guaranteeing land access regardless of gender. However, women encounter formidable obstacles when attempting to assert their rights, particularly within the entrenched patriarchal customs that dominate land ownership and inheritance practices. The socio-cultural landscape often privileges male ownership and decision-making, complicating women's attempts to claim their rightful access to land and property, especially post-marriage or divorce.

Various national policies, including the National Gender Policy (2013) and the South Sudan National

Development Plan (2018-2020), aim to improve conditions for vulnerable populations, particularly women. However, the on-ground realities of persistent insecurity severely restrict women's mobility and livelihoods, leaving them disproportionately affected by ongoing conflicts that displace them from agricultural land. With 83% of South Sudan's population engaged in agriculture, especially women, the challenges of access to land become even more pressing in light of continuous instability.

Moreover, the interaction between customary law and statutory law complicates women's land rights further. While the constitution recognizes customs as an integral part of South Sudan's legal system, these customs are predominantly patriarchal. Decisions regarding land and property are usually made by male family members, hindering women's ability to inherit or retain property. This imbalance

not only affects their current livelihoods but also perpetuates their economic vulnerability, especially when they lose property due to marriage dissolution.

Addressing these challenges requires a concerted effort to enhance women's capacity to claim their land rights, particularly through the promotion of Transformational Leadership (TL). TL encourages collaboration and supports marginalized groups, equipping women with the skills to engage effectively with local authorities. By developing leadership qualities that emphasize relationship-building and inclusivity, women can be empowered to challenge systemic inequalities in land ownership. As women enhance their leadership skills, they not only improve their personal circumstances but also contribute to broader societal transformation, advancing gender equity and potentially paving the way for sustained social change in South Sudan.

Figure 1: Transformational leadership model vis-a-vie other leadership styles
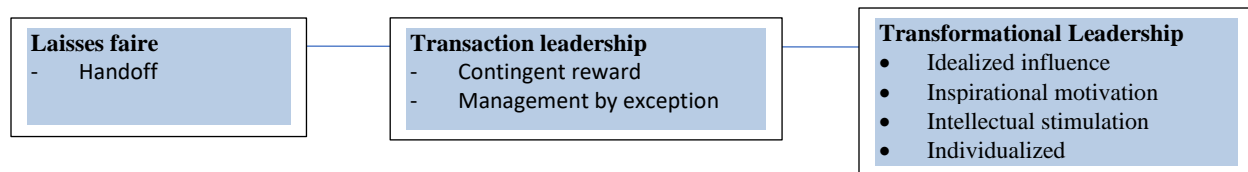
Transformational leadership (TL) stands out from other leadership styles, such as laissez-faire and transactional leadership, due to its unique emphasis on motivating and elevating individuals within an organization. Defined by Burns in 1978 and Northouse, 2018), TL involves a process where leaders and followers collaboratively enhance each other's moral and motivational levels, facilitating meaningful change. This leadership style relies on various mechanisms, including assembling diverse teams with complementary skills and fostering a collective identity among team members, regardless of their different backgrounds. By focusing on understanding team dynamics and aligning tasks with members' strengths, transformational leaders can effectively drive performance improvements and transformative outcomes within institutions.

Problem Statement

In South Sudan, while the legal framework theoretically supports women's equal rights to land ownership and access, practical realities often reveal a significant gap between legal provisions and lived experiences. Women face compounded difficulties characterized by cultural discrimination and the adverse impacts of conflict, which displace them from their lands and livelihoods. Customary laws, intertwined with statutory laws, frequently restrict women's rights to land, as ownership and inheritance norms remain patriarchal. This dynamic not only limits women's economic opportunities but also creates ongoing instability in their lives post-conflict. Furthermore, the challenge of navigating both customary and statutory legal systems further

complicates women's ability to claim their rights, ultimately resulting in systemic inequities.

Objectives of the Study

The primary objective of this study is to explore the intersection of women's rights, leadership, and land access within the South Sudanese context. Specifically, it aims to examine how Transformational Leadership (TL) skills can empower women to articulate and claim their land rights effectively. Through analyzing the relationship between leadership styles and women's engagement with land officials, the study seeks to identify effective strategies that enable women to navigate legal and customary frameworks. Ultimately, the goal is to foster an environment where women are equipped with the confidence and capacities necessary to claim their restitution rights and challenge discriminatory practices that hinder their access to land and resources.

METHODOLOGY

Study Setting

The study was conducted in Juba with respondents drawn from members of Community-based Based Organizations; Faith Groups; women associations, CSOs, village committees, community leaders, policymakers, and subject matter experts and political parties. The study's location in Juba, the capital of South Sudan, is crucial as it is a central point for policy decisions in the country, especially concerning land rights and women's challenges. Juba's representation of broader socio-political issues, post-conflict dynamics, and customary practices that impact women's land ownership makes it an ideal setting for this study.

Study Design

The study utilized a qualitative research approach, employing Focus Group Discussions (FGDs) and Key Informant Interviews to gather data and insights. FGDs involved group discussions among participants from various backgrounds, such as community-based Based Organizations, Faith

Groups, women associations, CSOs, village committees, and political parties, to explore collective perspectives on women's land rights issues in Juba, South Sudan. Key Informant Interviews were conducted with individuals possessing in-depth knowledge and expertise, such as community leaders, policymakers, and subject matter experts, to provide nuanced insights and opinions on the role of transformational leadership in safeguarding women's land rights.

Sample Size and Sampling Procedure

Thirty research participants, aged 18 years and above, were engaged in three separate Focus Group Discussions (FGDs), each comprising ten members. These FGDs included individuals from diverse backgrounds such as Community Based Organizations, Faith Groups, women associations, Civil Society Organizations (CSOs), village committees, and political parties. One FGD was conducted with male participants, another with female participants, and the third included a mix of genders. In addition to the FGDs, twenty-three Key Informant interviews were conducted with community leaders, policymakers, and subject matter experts to supplement the insights gathered from the group discussions.

Data Collection

Data collection for the study involved a comprehensive mixed-methods approach. Thirty research participants, aged 18 years and above, engaged in three separate Focus Group Discussions (FGDs), each with ten members. These FGDs represented diverse perspectives from Community Based Organizations, Faith Groups, women associations, Civil Society Organizations (CSOs), village committees, and political parties. One FGD was exclusively for male participants, another for female participants, and the third included a mixed-gender group to capture a range of viewpoints. The discussions in the FGDs delved into the complexities of women's land rights issues in Juba, South Sudan. Additionally, twenty-three Key

Informant interviews were conducted with community leaders, policymakers, and subject matter experts to gather specialized insights and expert opinions on the role of transformational leadership in safeguarding women's land rights. These interviews provided a deeper understanding of the contextual nuances and challenges faced in ensuring women's access to and ownership of land in the region.

Data Management and Analysis

The qualitative data obtained from the study, including the Focus Group Discussions (FGDs) and Key Informant Interviews, underwent a meticulous thematic analysis process. The transcripts from the FGDs and interviews were carefully reviewed and coded to identify recurring themes and patterns related to women's land rights and the role of transformational leadership. These themes were organized into meaningful categories, allowing for the extraction of key findings and insights. Through this process, the researchers identified commonalities, differences, and significant narratives within the data, providing a comprehensive understanding of the challenges and opportunities surrounding women's land rights in Juba, South Sudan. All FGDs and KIIs were transcribed verbatim and translated when necessary to preserve the original meaning, while a conventional content analysis approach guided the derivation of codes and categories directly from the data. The analysis proceeded in two stages, starting with manifest content analysis to reveal explicit themes and then moving to latent content analysis to explore underlying meanings. By immersing themselves in the transcripts and iteratively deriving codes based on emerging factors, the researchers structured these codes into categories that were further grouped into overarching themes.

PRESENTATION OF THE FINDINGS

The study findings were presented in the following subsections:

Transformational Leadership as a Game Changer: What lessons can be learned from the NTLI beneficiaries?

The National Transformational Leadership Institute (NTLI) at the University of Juba adopted the Transformative Leadership approach in order to raise leaders for national building. Transformational leadership and gender mainstreaming skills, conflict management and peacebuilding and economic empowerment have been incorporated in all training programmes for parliamentarians, diplomats, judicial officers, foreign affairs officers, organized forces, CSOs, grassroots groups, peace committees, faith-based organizations, and government and non-governmental officials at all levels of decision-making. Over 10,000 women and men from all walks of life have benefited from Transformational Leadership skills since it was launched in 2016.

In 2022, NTLI carried out an impact assessment study to examine the progress of beneficiaries in their leadership journeys. Overall findings show that there has been an increased level of awareness of women' rights, confidence and ability to communicate and engage in leadership at various levels. These include the knowledge of human rights provided in the legal framework and the Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS 2018). For example, 90% of respondents observed that the 35% gender quota was underplayed in the appointment of leaders in their states and counties during the transitional period; some groups organized themselves and wrote a petition to their party leaders and governors questioning the non-implementation of gender quotas. The knowledge of gender provisions and the ability to question the non-implementation indicates how the dissemination of peace agreement, increased awareness of gender rights and transformation had taken place at individual and community levels.

Furthermore, several trainings held provided a platform for dialogue, interaction and experience sharing which led to the establishment of networks

for future linkages and support. *Over 55% of the training beneficiaries confirmed that they had joined political parties after attending the transformational leadership training. Many cited that the transformational leadership had challenged their mindsets and made them courageous to withstand resistance and backlashes often undermining women's access to political parties. Other respondents (94%) believed that women with the same qualifications as men could do just as good a job in politics.*

Findings indicate that Civic engagement amongst respondents was considerably high. 56% of the female respondents were members of Community-based Based Organizations; Faith Groups; women associations, CSOs, village committees, community leaders, policymakers, and subject matter experts and political parties. This suggests that various training and sensitization had significantly contributed to an increased knowledge of the importance of teamwork, networking and enrollment in community groups. Some of the women leaders held *political positions and were directly affiliated with political parties. For example, one of the respondents interviewed was the financial secretary of the United Democratic Forum; while the other interviewee was the Deputy Chairperson of the Democratic Change Party (SPLM - Democratic Change).* The latter self-identified as being the highest-ranking woman across all sixteen political parties in South Sudan. Despite the enormous challenges, she believed that being a role model could help inspire more women to join the political arena and transform the patriarchal culture embedded in institutions of political recruitment.

Whereas both men and women respondents had incredibly progressive views regarding women's involvement in peace and security; 93% of women's views were slightly more optimistic than men's views in that they believed women's participation in peacebuilding could improve the results of peace implementation. There has also been a change in attitude towards women's participation in leadership at the community level as shown below:

- *93% of respondents believed that women's participation in peacebuilding can make the peace process more likely to last.*

- *74% of respondents believed that women make 'better' political leaders than men. Out of those interviewed 62% were male, while 81% were female.*

- *74% of respondents believed that there would be a female President of South Sudan in their lifetime while o*ver *70% of respondents stated that their areas had enough women 'qualified' to hold office. The prospective women leaders were from diverse, academic and professional backgrounds- regions, age groups and disabilities.*

Empowering women economically is to promote their voices and empowerment in all other areas. The transformational leadership training has been integrating economic development skills to enable women to embark on viable economic activities and support their families. Results indicate that apart from the 13% of respondents who were employed by the government, the rest of the respondents were either self-employed or sought employment in informal sectors and service industries including restaurants, market and housekeeping. Others were involved in the brewing of local alcohol and subsistence farming to meet various family obligations.

Despite the fact that the majority of respondents' opinions on whether women should participate in politics were positive, a few said that there was a need to continue building their leadership skills. There remain women who are still shy, lack confidence and view politics as a *dirty game*, which discourages them from coming forward to compete with men in fear of negative criticism.

Challenges undercutting the success of Women in Leadership

Generally, women in South Sudan are organized in groups or associations, which makes it easier to reach them with diverse interventions. Women leaders tend to navigate different organizational and societal landscapes than men, but their status remains dictated by gender norms, cultural beliefs and practices. There are both internal and external factors constraining the success and presence of women in leadership. These factors are not exclusive to Transformational Leaders but affect all women in leadership or aspirants: 1) Women limiting themselves (sometimes out of fear or lack of confidence) and 2) Societal norms that discourage women from rising to the top or the lack of support from organizations or family. Equally, Bazugba (2014:75) found that politically ambitious women remain ridiculed and challenged about their capacities to handle both political office and their primary obligations as mothers and wives. Many times women leaders have to deal with reactions to their leadership which are deeply rooted in gender stereotypes which dictate that women even in leadership should be warm, nurturing, caring and cooperative. They are also expected to balance work-family life and manage their homes, as wives, mothers, daughters, and caregivers combined with their roles in the public sphere.

Women's Own Internal Fear - 'I Fear Syndrome'

The apprehension stemming from the fear of lack of support, fear of failure, and fear of rebuttal by male peers highlights the enduring influence of patriarchal cultural norms within political recruitment processes and local government frameworks. Women entering political parties often encounter pre-established rules shaped by male founders, making it challenging to navigate and challenge these entrenched norms. To disrupt this status quo, women require time to learn, build connections, and forge robust alliances. Without this groundwork, new female members risk marginalization, neglect, or relegation to subordinate roles, constraining their active involvement and interaction within party structures.

Empowering women in transformational leadership, imparting lobbying and advocacy skills, promoting women's rights, and fostering a unified voice can help address internal fears. By cultivating male allies within political parties who champion gender equality initiatives and advocate for enhanced female representation, women can strive for increased presence and influence. Furthermore, initiatives such as exchange programs or cross-country visits facilitated by the government and partners can offer valuable learning opportunities. Donors play a crucial role in supporting the Ministry of Gender, Child, and Social Welfare (MGCSW) in identifying and addressing negative social norms and harmful customary practices that hinder women's participation and jeopardize the rights of women and girls.

Enduring Negative Perceptions and Attitudes about Women in Politics

There is a general perception that women's place is in the private while men's space is in the public. As a result, there is minimal appreciation of the role women play in public spheres. Their presence in public tends to provoke gender role reversal, fear of intimidation, insecurities and gender-based violence. In the 2010 elections, the name of one female candidate contesting for geographical constituency was replaced by the name of a male candidate in the county committee. After being alerted, she went back to her fellow women who united and referred the matter to the traditional leaders. A letter was written to the Governor regarding the malpractices and potential sources of corruption. Since the process had progressed, it was too late to remove the name of the male candidate. The female candidate opted to stand in the election as a private candidate. She earned much support from the community due to her history of commitment to community welfare, transparency and solidarity with others in matters related to

sickness, death and development, her community did not leave her alone. She informed her community which unanimously resolved to vote for her as a member of the National Legislative Assembly. The level of aggressiveness, perseverance and confidence showed by this member of parliament proved that women are able to compete with men and lead the community if supported.

> *One of the respondents noted that "In 2021, as political parties were recruiting female candidates to join their parties, many women reported cases of abuse by their husbands for 'not staying at home, going home late or behaving like men. After completing the transformational leadership training, a certain female aspirant joined a political party that was different from her husband's popular party. She was nominated under the women's list, but her husband was against that. After being declared a winner, the husband went to the party meeting and confronted the wife. The women leaders organized a dialogue with the husbands and the traditional leaders on the importance of women's rights and engagement in the public sphere. Although the husband agreed to let her participate in political party activities, she was mocked by the community around her. There was the perception that women joining politics could be a contributing factor towards a gender role reversal, stoking fears and insecurities".*

More efforts could be directed towards massive awareness and sensitization of the community. Specifically, engaging young men through dialogue and conversations aimed at transforming the mindset and negative norms leading to violence is critical for transformation. Engage political parties, community, and traditional and religious leaders in the campaign to end harmful practices and promote gender equality and peacebuilding.

Lack of Networks and Information Sharing Mechanisms

Experience has shown that women leaders shy away from belonging to support networks compared to men. Networking is vital for transformational leaders for support, information sharing for campaigning, lobbying and advocacy, and mobilisation of community and resources. Bridging the existing gap between women from Executive to women parliamentarians and CSOs, women from the national level and women from the grassroots could be instrumental in forging a strong network. Similarly, platforms or conferences bringing women from all walks of life to deliberate on common issues affecting them could be a viable strategy for information sharing.

Lack of Assertiveness

Successful leaders are described as showing characteristics of male leadership (masculinity, strong, arrogant, intelligent, ego-drivers, daring/boasting, competitive, dominant, and assertive/self-confident/forceful). Some women tend to emulate such characters while others fear asserting the power and authority that comes with leadership). In contrast, the feminine style of leadership is transformational as it involves (multi-tasking, emotional/ sensitive/practical, empathetic, compassionate, relationship building, consensus building, collaborative, verbal, transparency, clear values, alignment to words and deeds and genuine dialogue). Such leadership qualities while considered calm are needed in engaging leaders in discussions aimed at transforming mindsets and negative norms in the community.

Lack of Role Models and Mentors

Findings from the study indicated that there are few women role models or mentors who can support and encourage other women in their leadership journeys. Women political leaders have a role of representing the voices of women from the grassroots to the national levels – in commissions, parliament and executive levels by reviewing and

passing legislation, policies and development programmes. Through organised women's groups, associations and organisations voices of women from the grassroots are gathered and communicated with women political leaders at the national level. Equally, women in political parties have been communicating with their counterparts at the state/grassroots levels. To bridge the gap, the women's organisations have been organising training, workshops, breakfast talks, dialogue and discussion to break the silence and create awareness on various issues affecting women. Women in higher leadership positions should be encouraged to mentor young women aspirants and those in the Universities, private sectors and NGOs to join political and public institutions to transform cycles of negative decision-making processes.

Lack of Continuous Capacity Strengthening in Other Areas

While transformational leadership skills have been imparted, results show that many women had a basic education level while others had dropped out of school due to socioeconomic and cultural barriers. Other beneficiaries stated that women shy away from education preferring marriage and resultantly leadership. Recognising education is key to life and leadership in general, women expressed the need to advance their careers and knowledge in other important areas to help them effectively exercise their leadership skills. These include skills in resource mobilization and management, lobbying/advocacy, networking, gender-based violence and protection of women's rights which are critical for transformational leadership.

Unfavorable Institutional Environment

In politics, being a post-conflict country/country in conflict at present, the legacies of gendered norms and combatants' behaviour are enduring in political institutions and continue to impact South Sudanese women in terms of unequal access to influential resources, services and power. The study underlines the presence of gender-based violence and political intimidation which undercut the ability of women to effectively engage in political debates and represent women's policy concerns. The address the unfavorable institutional environment, massive awareness raising and economic empowerment are crucial tools for women in institutions of political recruitment. Women could also form alliances with other women from political parties and address the gendered norms; participate in a coalition of women where a unified voice of women can be submitted to the authority; and enact an affirmative action law and oversight mechanisms to guarantee the implementation of the 35 per cent quota for women.

Persistence Rule Breaking and Rule-Bending

As highlighted in the introduction section, the main challenge for any leadership development program is that the acquisition of leadership knowledge and skills is a necessary but not sufficient condition to exercise in a transformational leadership role. Beyond a formal position, influencing and implementing change in beliefs, values, attitudes and behaviours requires that the prospective leader has sufficient room to do so with prospective followers. When women are not given space they will remain outside the cycle of influence. Despite the fact that the 35% gender quota has been enshrined in the ARCSS and amended constitution, implementation lags behind as political parties are reluctant to nominate and appoint women in various decision-making structures. For example, outside state and national parliaments, the 35 per cent quota policy is not yet fully complied with for several reasons that include among others; the Institutional environment undercutting women's interest in leadership and their potential to influence decisions, resulting in women adapting to the surroundings and comply with the predominant rules of the game.

CONCLUSIONS

The barriers to women's leadership development across social, economic, political, and organizational spheres, as highlighted in South Sudan, are not exclusive to this region. Similar

challenges persist in other countries, notably post-conflict nations, where efforts are being made to enhance women's representation (NTLI, 2019). The presented cases underscore the potential of transformational leadership in addressing the competitive demands and fostering innovation within institutions, organizations, and communities. Embracing a transformational leadership approach can empower women by nurturing their self-confidence, assertiveness, courage, and self-esteem, equipping both current and aspiring leaders to advocate for their beliefs effectively.

Noteworthy traits such as heightened expectations, trust-building, effective interpersonal interactions, and multitasking abilities observed in women can mould them into formidable transformational leaders capable of instigating positive changes. Transformational leaders play a pivotal role in guiding transitions by emphasizing vision development and motivating followers to pursue shared goals. Equipping women with transformational leadership skills serves as a strategic method to enhance their capacity to challenge existing norms and systemic barriers that impede their rights and access to essential resources like land and participation in decision-making structures. This process of learning to influence and navigate change involves acquiring knowledge and skills through both formal education and hands-on experience (Novy-Marx 2014).

RECOMMENDATIONS

The following are recommendations accrued from the aforementioned findings and conclusions:

- The Ministry of Gender, Child, and Social Welfare (MGCSW) should lead the review of the National Gender Policy (2013) and the Land Act to develop progressive strategies that align statutory and customary laws. This alignment should aim at eradicating contradictions that perpetuate injustices, violence, and discrimination. Key initiatives should include the enactment of an Anti-Gender-Based Violence (GBV) Act and a National Family Law to bolster legal protections for women.

- Enhance informal justice mechanisms by providing Gender and Transformational Leadership training for service providers, paralegals, and community mediators. This training will facilitate improved access to justice for women facing land ownership constraints.

- Identify and collaborate with male champions and traditional authorities to advocate for women's land rights. Encourage their active involvement in land distribution and management committees by implementing a 35% quota for women representation from local to national levels.

- Establish platforms for enhanced information sharing and awareness campaigns on key gender provisions within legal frameworks and the Land Act. Ensure widespread dissemination of this information to uphold and protect women's rights effectively.

- Develop comprehensive Gender and Land Training Programs for both stakeholders and service providers, including those in the security, legal, and judicial sectors. These programs should focus on increasing access to justice, promoting the rule of law, and empowering individuals to uphold gender equality. Partnerships should be forged to support initiatives that strengthen mediation, arbitration, and adjudication systems. Targeted training programs should be implemented to enhance the capacity of land administrators to effectively manage and resolve land disputes.

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