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Policy Brief

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Federalism Debate In South Sudan: Laying the Foundation for Acceptable, Responsive, and Inclusive Governance

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Summary

The South Sudanese parties to the conflict signed the Agreement on the Resolution of Conflict in South Sudan (ARCISS) in August 2015 and essentially agreed to establish a federal system of government. This raises three critical questions. First, do the people of South Sudan support the establishment of federalism as envisioned by the warring parties? Second, does the public actually understand what it means to establish and run a federal system of government? Finally, how could self-governing objectives and national unity objectives be reconciled? This study, therefore, is an attempt to answer these questions. This is necessary because there is an apparent lack of broader understanding of the current system of government, much less the proposed federal system in South Sudan. The results of the study are summarized as follows:

- *The respondents are overwhelmingly dissatisfied with the current system of government—that is, 86% of them report not being satisfied, suggesting that they are amenable to a new system and so 83% of the respondents support the establishment of a federal system of government in South Sudan.*
- *They support federalism where subnational units would enjoy some autonomy, with the freedom to elect and impeach local officials. However, the respondents reject regional arrangements, fearing that this might divide the country. They also reject any possibility of returning the country to the former 10 states and they are evenly split over the issue of 28 states, with (50%) supporting it and (50%) opposing it.*
- *For fear of the country disintegrating, the respondents want a very strong central government to hold the country together.*
- *The respondents also oppose merging traditional leadership with the local government; they want it to remain separate and parallel to the local government.*
- *A vast majority of the respondents (99%) want rents from natural resources to be equitably shared.*

As a way forward, the following are recommended:

- *Federalism Working Group should be established to study the newly proposed arrangement, with the government encouraging intellectual debates and discourses to expose any truths about the practicality and feasibility of federalism in South Sudan.*

- *It is apparent that South Sudan’s central dilemma is how to hold the country together, while giving identity groups some degree of autonomy to self-government; this demands deliberative national dialogue to negotiate, even through referenda, acceptable institutional designs.*
- *With the issue of shared resources coming up repeatedly in the study, a more robust policy on resources distribution is suggested. It is no longer enough to delineate powers of taxation for subnational units; the existing resource rents should be shared equitably.*
- *The role of the traditional authority and the local government needs some creativity; in this study, the local government does not appear to be as important as the traditional authority¹.*

1 Introduction

The Republic of South Sudan declared independence from the rump state of the Sudan in July 2011, but the country is still debating an appropriate system of government. There is a great deal of dissatisfaction with the current system and there are many voices calling for reforms. In particular, there has been a sustained call for the establishment of federalism in a number of quarters of the South Sudanese polity. These voices became relatively louder after the country descended into the crisis in 2013. The parties to the conflict signed the Agreement on the Resolution of Conflict in South Sudan (ARCISS) in August 2015 and essentially agreed to establish a federal system of government.

This raises three critical questions. First, do the people of South Sudan support the establishment of federalism as envisioned by the warring parties? Second, does the public actually understand what it means to establish and run a federal system of government? Finally, how could self-governing objectives and national unity objectives be reconciled? This study therefore is an attempt to answer these questions so as to assess how much public support is there for the establishment of federalism in South Sudan and how much the concept is actually understood. This assessment is necessary since there appears to be lack of broader understanding of the current system of government, much less the proposed federal system in South Sudan.

The study aims at achieving three primary objectives. First, it is aimed at broadening understanding of the South Sudanese policy makers of the concept of federalism within the context of the wider experience of the African continent. This will inform and enhance the debate and facilitate the choice for the institutional design that is informed by exogenous socio-political and socio-economic dynamics in South Sudan. Second, the assessment is aimed at bringing public voice into the debate that is dominated by the political actors and the hope is that the public voice will enable the political actors to balance or reconcile their own political programs with the public interest. Finally, it is hoped that this study could make an important contribution to the field of federalism and decentralization studies from the South Sudanese perspective.

1.1 South Sudan’s Current System of Government

¹ This study was carried out with financial support from the Swiss Corporation. However, the views expressed in this study are solely those of the author and are not endorsed or supported by the Swiss Corporation.

The current system of government in South Sudan is a decentralized, presidential system of government². In practice, it is a mixture of unitary and federal arrangements. It is a federal system in a sense that the constitution recognizes three levels of government with distinct powers. One can equally argue that it is a unitary system because the central government makes policies that the states and local governments implement, with state and local government officials appointed and relieved from office by the central authority. It seemingly is also a mixture of a presidential and parliamentary system in a sense that the president is elected directly and not by the parliament. It is not ideally a presidential system because serving members of parliament are appointed as ministers in the cabinet, a situation that would be unacceptable in an ideal presidential system.

This mixed governance structure in South Sudan has invoked a great deal of dissatisfaction, with many voices calling for reforms. Specifically, there has been a sustained call for the establishment of federalism in a number of quarters of the South Sudanese polity. The argument is that a federal system would be an avenue to properly manage regional and ethnic diversity and promote self-governance, all to engender sustainable peace and development in the country. The opponents of federalism, however, counter that such a proposal could serve as a recipe for discord and eventual dismemberment of the country. These voices often cite the 1980s experience with the re-division of the then Southern Region into three smaller and weaker provinces of Bahr el Ghazal, Equatoria and Upper Nile, and the resultant discrimination and expulsion of non-natives from the regions, events that became collectively known as Kokora. Kokora is Bari word for division.

The current institutional framework in South Sudan, including the system of governance, leaves so much to be desired both in terms of its ability to function properly and its responsiveness to the needs of the ordinary citizens. This explains the widespread level of dissatisfaction with the current system and it might also suffice to explain the on-going conflict. Although majority of the people attribute this conflict largely to leadership deficits and power struggle, the inability of the people of South Sudan to engage in dialogue on foundational issues of governance is unmistakably a major contributing factor to the conflict. What was expected of the South Sudanese leaders was to settle important questions of governance, such as what system of governance fits best both the existing social structure and the state of institutions in South Sudan. In hindsight, such a system that meets public expectations would only emerge following a genuine national dialogue.

This dialogue, or renegotiated social contract, is necessary because the process of nation building is anchored on the coming together of cross-sectional groups that make up the nation to negotiate how they want to live together, how they want to be governed, and how they can share and relate to one another. It is not about making political pacts; it is about building trust and collectively creating a vision that guides the country for generations. It exposes a collective truth upon which a new institutional arrangement is advanced.

Luckily, South Sudan is not the first country to wrestle with these governance contradictions. There is a wealth of experience in this area from many countries around the world. More specifically, many African countries contended with similar challenges of trying to hold together

² See the Transitional Constitution of South Sudan 2011

while giving some degree of self-government. The result has been mixed: many of these countries failed, and yet many others succeeded in finding the right balance. South Sudan can take lessons from both successes and failures to inform its own unique process, the result of which could be an encompassing federal system.

1.2 Situating South Sudan’s Federalism Debate within the Larger African Literature

The Republic of South Sudan as a latecomer to statehood stands to benefit from the experiences of those that came before it. The African continent witnessed large-scale political reforms in the 1990s, introducing decentralization (Fesha and Kirkby, 2008; Erk, 2014). The waves of political reforms were aimed at consolidating democracy and fostering better policy performance through creation and strengthening of the local government level (Chigwata, 2015). With an eye to achieve accelerated success in these areas, most emphasis was placed on institutionally “engineering best practices”, often based on the prevailing scholarly concepts (Chigwata, 2015).

Despite the push to achieve uniform results across the continent through similar institutional designs, the effects of these reforms vary significantly across countries, which suggests the importance of “endogenous factors” to adopting new institutional arrangements (Chigwata, 2015). That is, local factors seem to influence the workings of decentralization, running parallel to the mostly exogenous institutional designs (Chigwata, 2015). Particularly, the influence of traditional authorities at the local level has been a common endogenous factor influencing decentralization, or more precisely, influencing local government performance (Chigwata, 2015). Traditional authorities play a “pervasive and ever-present” role in the lives of people in rural areas, often far more than the apparent “distant modern state”, its bureaucrats and politicians (Chigwata, 2015). The influence of traditional authorities on the political dynamics in some countries can be seen through adoption of decentralization. The prescribed “one-size-fits-all” institutional engineering does not befit all distinct experiences of countries.

During the transition, some countries opted for a particular brand of federalism, culminating in a territorial pluralism (Ejobowah, 2010). Territorial pluralism (TP) also known as ethno-federalism is the institutional arrangement for accommodating territorially concentrated identity groups (Ejobowah, 2010). The arrangement makes for internal political autonomy, and takes various forms, including a decentralized unitary system, union, and ethno-federalism (Watts, 2001); (Baubock, 2002); (McGarry and O’leary, 2008). Territorial pluralism has been widely embraced as a viable mechanism for ending ethno-regional conflicts and for promoting long-term peace and stability (Ejobowah, 2010). The most recent examples involving territorial pluralism arrangements include Iraq’s Kurdistan, Southern Sudan, Bosnia and Herzegovina, and Indonesia’s Aceh (Ejobowah, 2010).

Unfortunately, as with any system, the results of territorial pluralism arrangements have not always been pleasant. Tried in Uganda in 1962, TP granted Buganda a special autonomy at the time of independence and it ultimately resulted in the implosion of the country (Ejobowah, 2010). Similarly, in Papua New Guinea, a decentralized arrangement fueled Bougainville’s demands for more autonomy and push for secession. In the former communist Europe, the disintegrating effects of ethno-federalism are well known. In Nigeria, the redrawing of internal boundaries to

separate groups opened the door to constant redrawing of these boundaries to separate new groups and also led to internal discrimination against non-indigenous of the states.

Despite the aforementioned drawbacks, ethno-federalism is still a dominant feature in many African states. Ethno-federalism is a federation whose components have a primary ethnic identification (Ejobowah, 2010). The main features of ethno-federalism according to Bunce (2004) and McGarry and O’Leary (2008), include (1) territorially defined subunits of government; (2) sovereign powers are shared such that the center and the subunits each have their own sphere of responsibilities; (3) a measure of fiscal autonomy for the subunits; (4) the relationship between the center and subunits is defined by autonomy and co-ordination not subordination; (5) the boundaries of most of the subunits are drawn around identity groups; and (6) the subunits are fairly represented in central decision-making bodies—hence, there is power sharing (Ejobowah, 2010).

This strand of federalism is much more pronounced in the three largest federations in Africa, namely Nigeria, Ethiopia, and South Africa (Dickovick, 2014). The ethnic and political dynamics leading to the creation of federalism in these countries have a lot of similarities with the present conditions in South Sudan. What motivated the creation of federations in these countries was the need to manage ethnic identity and ethnic politics, although they differed in their approaches. Unlike the Rikerian (Riker, 1964) theory of federalism, which posits that federal bargain arose as a solution to security dilemmas in which governing units sought to ‘come together’ for mutual protection. The African strand of federalism according to Dickovick (2014) resulted from “stability imperative” that has “encouraged identity-based federalism”. Thus most African federations, if not all, can thus be characterized as having taken the form of ‘holding-together’ federations (Stepan, 1999) as opposed to “coming together”. This is to say that African leaders adopted federalism to ‘hold together’ their countries when faced with the naturally occurring centrifugal forces of regional identity and the general weakness of African states (Herbst, 2000; Brancati, 2009).

The African version of federalism did not only take the form of “holding-together”, it also acquired other divergent attributes from what is predominantly believe to be the best model of federalism such as the type found in the United States. In contrast, African federations feature a seemingly odd mix of top-down ‘unifying’ central control with accommodative decentralization (Dickovick, 2014). In this respect, federalism in the African context emanates largely from a deliberate bargaining process among central government actors. These central actors are divided, with those that had clear interests in developing regional power bases demanding autonomy, often to subnational governments (SNGs). The rest advocate for a much stronger central government (Dickovick, 2014). In most cases, these negotiations happened within the context of one dominantly strong political party that often emerges out of some historical liberation struggle or military. Hence, most African federations seem to have strong one dominant national party and a very fractured weak opposition (Dickovick, 2014). In summary, dominant African federations are paradoxically overly centralized under a strong central government, strong one party, and weak opposition.

This should not be surprising, as it has always been the “vexing dilemma” of institutional design (Rodden, 2006). Even the founding fathers of the American federalism had to contend with similar dilemmas. For example, Alexander Hamilton feared that a fragmented federation cannot

provide collective goods or fight effectively against centralized despots while Thomas Jefferson was more concerned about a center that would accumulate too much power and “run roughshod” over the rights of the constituent units (Rodden, 2006). Rodden draws attention to what he calls the “central tension” on the debate on federalism— “federations have a natural tendency to become too centralized—perhaps even despotic— or so decentralized and weak that they devolve into internal war or fall prey to external enemies” (Rodden, 2006). Hence, finding a balance is the trick of institutional design.

South Sudan therefore should strive to closely study its internal socio-political and socio-economic dynamics as critical factors in its search for fresher institutional design. This study should be read as a sample of views of South Sudanese intellectuals on the question of governance in general and federalism in particular. It should be seen as one step of the many steps that should be taken to prepare the ground for more substantive national dialogue on institutional arrangements. It is not intended to provide any conclusive position or statement on the debate; it should be treated as catalyst to or a stimulant of more debates on the matters of governance in the country. What follows is a section that describes our analytical strategies.

2 Methodology

To achieve the objectives of the study, a cross-sectional research method that involves both qualitative and quantitative techniques to generate primary data³ is used. We use structured interviews to collect the data. Structured interview is most appropriate because the data we wanted needed to be complete and detailed people’s opinions on the system of governance. Both close- and open-ended questions are used.

The sample size was set to vary between a minimum number of 45 and a maximum of 90 participants. Altogether, we sampled 82 respondents. We wanted at least 15 individuals from each of the three regions and 30 individuals at most from the same. Normally, the minimum number of participants in a key informant interview situation is 15 individuals and 35 maximum and this is based on the belief that there would be no significant new information that would radically vary with the answers provided by at least 45 individuals, resulting in saturation (the point in data collection when new data no longer bring additional insights to the research questions)⁴.

The sampling technique applied for this research was purposive sampling. The targeted groups for this study are intellectuals and opinion leaders of South Sudan. The respondents were selected for interview on the basis that they are highly informed about these complex governance issues, their level of education not less than secondary education, and their age not less than 18 years. Region, state, county, and to some extent, ethnic representation, were other criteria.

The study gathers opinions on the system of government, including whether the respondents support the establishment of federalism, and whether they agree with the creation of 28 states. Succinctly, the questionnaire focuses on four broadly defined areas: the system of government, the constitutional making process, resources sharing and their views on national unity.

³ Please see the special report for detailed methodology section

⁴ Essentials of Research Methods by Janet M. Ruane. Blackwell Publishing 2005

3 Results

The results of this study are generally consistent with the available literature on African federalism in three main ways. First, there is a large support for some form of territorial pluralism. Second, the respondents largely support a strong central government, which suggests that they want a rather centralized power with accommodating decentralization. Thirdly, the respondents are less vocal on the question of devolution of political powers, but they are very vocal on fiscal and administrative decentralization. What follows is a detailed summary of the results.

The respondents are overwhelmingly dissatisfied with the current system of government—that is 86% of them reported not being satisfied. This probably explains the reason 83-percent of the respondents support the establishment of a federal system in South Sudan. The respondents want some degree of autonomy for the subnational units and less interference from the central government. The respondents overwhelmingly support democratization of the whole system, much more so at the grassroots to give citizens the opportunity to elect their own leaders and closely manage their affairs. When respondents are asked whether they support the constitutional provisions that give president power to appoint and remove governors and dissolve state assemblies, 75% of the respondents do not agree with the constitution on the appointment and removal of governors. Instead, 89% of the respondents want state governors to be elected directly by citizens and held to account at this level.

The respondents (72%) however want a very strong central government to hold the country together. The respondents (77%) rejected regional arrangements, fearing that this might divide the country. They (58%) also rejected any possibility of returning the country to the former 10 states. The respondents are split over the issue of 28 states, with those rejecting constituting 50% and those supporting it constituting the other half. The respondents (68%) are reluctant to merge traditional leadership with the local government; they want it separate and parallel to the local government; in other words, they support legal pluralism, reflecting a tradition in many African countries. Finally, majority of the respondents (99%) want rents from natural resources to be shared.

4 Discussion & Conclusions

From the results above, there is an overwhelming support among the respondents for the establishment of federalism in South Sudan. In terms of regional support, all the Equatorians interviewed for this study support the establishment of federalism compared to 60% of respondents from Bahr el Ghazal. Like Equatorians, 92% of respondents from Upper Nile prefer federalism.

The regional variation is not surprising at all. What may be surprising is the variation between the support for federalism among those from Upper Nile and Bahr el Ghazal regions. This is because the Equatorians have quite consistently demanded the establishment of federalism and those from Bahr el Ghazal and Upper Nile have always been very skeptical about the intentions of Equatorians on their call for this arrangement. However, following the violent conflict in 2013 and considering the position taken by the SPLM/IO to openly advocate for federalism, the opinions might have changed in favor of federalism, especially in Upper Nile region more than in Bahr el Ghazal. The results are also consistent with the broader African experience, as many countries have or are moving towards federation (Erk, 2014).

Another key indicator of a choice for political system in this survey is the level of education. Interestingly, the higher the level of education of a respondent, the greater the likelihood that they prefer federalism over other arrangements. For example, only 50% of the respondents with secondary education support the establishment of federalism compared to 83% among respondents with diplomas or bachelor degrees. The support for the establishment among the respondents with a master degree or higher stands at 94%. Perhaps those with a higher level of education have a better understanding of federalism and its inherent benefits.

The country is split on the 28 states policy. However, the sample is so small that if the sample size was increased, results could go either way. This division among the respondents on this question reflects the broader political sentiment in the country. However, when respondents are asked why they do not support the establishment, we find no unity of opinion. Many respondents complain that the 28 states are just too many and may not be economically sustainable (Mayai et al 2015). Others say that the process was not transparent and if it were transparent they would have had their own states. Others were concerned about the timing and the fact that it conflicts with the peace agreement. For those in support of the 28 states, a vast majority cite the fact that it is consistent with the SPLM vision of taking towns to the people. Many others claim that it is consistent with the will of the people to self-govern.

Following the creation of the 28 states, the SPLM-IO strongly objected to the provision pointing to the fact that it is contrary to the agreement, which recognized 10 states. However, the number of respondents who support return to the former 10 states is only 42%. This is not entirely surprising because many respondents who oppose the 10 states cite the fact that it would be nearly impossible politically to do away with 28 states without creating conflict; many people feel that the former 10 states were unfair and unrepresentative of the population. As well, other respondents suggest that the 10 states were just too large to be properly managed.

Out of curiosity, we wanted to know whether respondents would support using the three regions, Bahr el Ghazal, Equatoria and Upper Nile as units of federalism. Majority (77%) of the respondents are opposed to the regional arrangements. This is a bit surprising because going into the study, we thought that perhaps if not all the respondents, majority of respondents in the Equatoria would support the regional arrangement. Respondents from all the three regions overwhelmingly object to any regional arrangement. This outcome is also consistent with the African literature, especially the experience of Nigeria, which went from 3 regions to now 36 states (Dickovick, 2014).

What could be deduced from these results is the fact that, while the respondents largely support the establishment of federalism, they do not necessarily agree on the number of subnational units. Although there is no agreement on the number of subnational units, one can infer from these results that there is not much support for subunits that are fewer than 10 and certainly there is not much support for regional arrangement. This suggests that there is seemingly a large support for subnational units that are much closer to the people, although not to the point where such subnational units become unsustainable.

In an attempt to understand what vertical relationship the federal units will have, we ask a series of questions. The first question assesses respondents' satisfaction with the current political, fiscal,

and administrative arrangements. The respondents overwhelmingly express dissatisfaction with the current arrangement. The results of this study are a statement on the current institutional framework, indicating that most people are not really quite happy with the existing arrangement. The major reason for this dissatisfaction comes from the constitutional provision that empowers the president to appoint and remove subnational officials. These officials, especially governors, need to be elected directly by the people and supervise locally without interference from the center. Similarly, the respondents oppose the constitutional provision that gives president powers to dissolve state legislatures. What seems clear from the respondents is that they want a real federalism with some sense of autonomy for the subnational units.

In an effort to establish people's views on the local government and the traditional authority, we wanted to know what the respondents thought about merging the traditional authority with the local government and dissolving the existing parallel traditional authority. Surprisingly, majority of the respondents, 68% to be exact, want the traditional authority to be kept separate. This is because 81% of the respondents believe that traditional leaders are actually more influential than the local government authorities. What is more is that 71% of the respondents actually believe that traditional leaders are more important in the lives of the local people more than are the county or local government officials. These results are consistent with the larger African experience where the influence of traditional authority is more pronounced (Chigwata, 2015). They are also consistent with the results of Afrobarometer surveys carried out between 1999 and 2001 (round 1), and in 2000 (round 2), which show that, relative to elected leaders, ordinary Africans contact traditional leaders more frequently in their efforts to solve their problems or express their views (Logan, 2008).

There are three takeaways from these results. First, the local governments have actually been very ineffective in making good of their mandates, and so the presence of the government remains completely unfelt. Second, the people of South Sudan do not actually accept or trust central authority. Traditional authority on the other hand has always been there reliably and it has always been the de facto government and so it cannot be merged with a system that is yet to prove that it is credible and reliable. Lastly, the people of South Sudan believe in their traditional value system, which they deem appropriate to maintain.

To complete the picture on the nature of the institutional arrangement that the South Sudanese citizens envision, we ask them on how rents from natural resources should be utilized. In response, 99% of the respondents believe that natural resources rents should go to the central government and to be shared by all. All respondents, except one, believe in sharing natural resources. This is extraordinary and only the South Sudanese spirit explains this overwhelming desire to share. This suggests that the people of South Sudan, while they want self-government, they also care about being able to share resources as one people and one nation. The question that arises is how best these resources can best be shared? Majority of the respondents or 68% recommend that a resource sharing arrangement should be negotiated between the central government and subnational units and enshrined in the constitution. This perhaps prevents the central government from changing the rules without the consent of the lower units.

Lastly, respondents are asked what they would like to see in terms of powers given to each level of government. Surprisingly, 72% of the respondents say they prefer a very strong national government. Perhaps the respondents were hinting at the fact that while they want government

closer to them, it is important to maintain a strong national government so as to keep the unity of the people of South Sudan. This is because 75% of the respondents believe that there is no national unity currently in the country. Many respondents believe that weak government, corruption, injustice and marginalization are responsible for lack of national unity.

In order to meaningfully situate the South Sudanese debate on federalism in a proper context, it is necessary to identify the most important fears and concerns that inform the positions of different groups. As the results show, there is 83% support for the establishment of federalism in South Sudan among those interviewed. The question that seems deserving is: is this support for the establishment of federalism a genuine desire to self-govern or is it simply a strategy for ethnic groups to run away either from each other or from the central authority? The support may not necessarily be for federalism, but rather an opposition to the current system where power is centralized and where the state has not been able to exert full control and provide both services and security to the wider population. It may also be a statement expressing latent hesitation and fear of the South Sudanese people for a centralized authority. These fears are informed by some historical events that have left quite serious negative impressions on the South Sudanese people.

First, the people of South Sudan have endured longstanding injustices in the hands of both colonial and various Khartoum-based regimes, who for a long time suppressed the aspirations of the people of South Sudan and who exploited them politically, socially and economically. The then Sudanese state reserved political, military, and economic power for a selected few and access to services was biased in favor of those the state chose to reward. Besides the political and economic exploitations, the state also entered the business of deciding which religion and which social identity to impose on the wider polity making up the Sudan regardless of the apparent religious, racial and ethnic diversity in the country. The people of South Sudan openly resisted these policies and they were brutally suppressed. These brutalities created the dread and distrust for the central authority among the people of South Sudan.

Second, the South Sudanese experiences with the regional government after the Addis Ababa Peace Agreement in 1972 might also be playing in people's memories. While the regional government was democratic and quite inclusive, the perceived dominance by the Dinka ethnic group sparked the re-division of the 1980s. The re-division culminated in discriminatory policies that led to the expulsion of non-Equatorians out of Equatoria and causing retaliatory actions in the other regions, a situation that became known as Kokora. Hence, there is fear of the repeat of such experiences more so among the non-Equatorians. Since the Equatorians have largely led the call for Federalism, non-Equatorians have treated this call with very serious reservations. As such, those who are opposed to Federalism may not do so for the dislike of the system, but perhaps for fear of the unknown given the repugnant experiences of the Kokora period.

Thirdly, the history of the liberation struggle, led by the Sudanese People's Liberation Movement/Army (SPLM/A), is one that is checkered with both successes and shortcomings, which may also be contributing to how the SPLM-led government is perceived. One important factor is that from its start to the finish, mainly the Dinka and the Nuer dominated the SPLM. This is largely because of the Kokora politics; the Equatorians were at first hesitant to join the movement because they thought it was created to resist the re-division, which they largely supported. After the peace agreement in 2005, Equatorians felt that they are not properly represented both in the most powerful institutions in the country, the SPLM and the SPLA. The

perennial perceived domination of the Dinka remains a concern for the non-Dinka groups. Recent statements by groups affiliated with the armed opposition attest to this view.

Fourth, following the 2010 SPLM congresses, the SPLM leadership lost its most precious possession, that is its democratic outlook. This is because in many constituencies, citizens chose candidates that they felt represented them well. The SPLM leadership did not support some of these candidates and so their nominations were invalidated. This led to a major discontent with the party and some of those leaders who lost the support of the SPLM, ran as independent candidates and in most cases, they lost because the elections were allegedly rigged in favor of the SPLM candidates. These undemocratic gestures disenchanting so many citizens, so both the SPLM and its government took a reputational hit, though it remains a dominant political force in the country. Arguably, the South Sudanese people are justified in their hesitancy to embrace the central authority because the indicators seem to point to the old known much-dreaded attitude of the central authority; that is being oppressive and acting with impunity.

Fifth, after the declaration of independence 2011, the SPLM-led government erred in so many areas, a situation that might have seriously hurt the relationship between the rural populations and the central authority. To start, the SPLM government presided over incessant inter- and intra-communal violence that created unprecedented level of insecurity across the country. Its inability to exert control over the armed civil population became the biggest hurdle in the state's quest to penetrate the population. In those places where the state attempted to exert its authority, it was done so poorly that in the end, the state lost the confidence of the civil population as exemplified in how the entire Murle community rose against the state in 2012. Aside its inability to exert control, the SPLM-led government also failed largely to govern effectively and failed to provide direly needed services.

Finally, the creation of the 28 states in October 2015 is telling of the state of affairs South Sudan is in and provides a more relevant context for the debate on federalism. The reaction of citizens to the creation of 28 states seemingly confirms the thesis of this analysis, which is that the people of South Sudan do not trust the central authority, so they want to run away from it by demanding much smaller governments closer to them. It was a reaction to both the violent conflict that has permeated the whole country since 2013, pitting communities against each other and to the peace agreement that seems to reward violent means of seeking power. The resultant bitterness caused by conflict and the grand failure of the central authority, saw many communities that have lived together for centuries run away from each other to form their own insulates. In other words, there are very strong centrifugal forces pulling the nation away from the center. There is essentially no force left in the center to counterbalance these forces.

The growing call for self-government is fueled by a spectacular failure of the only existing centripetal force in South Sudan, the SPLM. The SPLM is the only institution in the history of the modern South Sudan that had and still has the ability to pull the people of South Sudan together. Other than the church, no other institution has ever managed to mobilize the people of South Sudan the way the SPLM did and this is the reason it succeeded in gaining South Sudan's independence. The SPLM succeeded in social mobilization of the South Sudanese people because of the preexisting opposition of the people against Khartoum-based regimes. So it can be argued that the unity of the people of South Sudan around the SPLM vision was a unity in opposition to the north and not unity of a higher purpose. This is not to suggest that the SPLM

did not have a sense of higher purpose, but that it stopped short of calling people to a higher purpose after independence, a situation that disillusioned its hardened supporters. The SPLM should have seized the opportunity while the fervor was still high to call people to a unity of purpose around either development objectives or something that was a common threat to the people of South Sudan such as poverty and underdevelopment.

Recommendations

- A Federalism Working Group should be established to study people's preference and recommend appropriate institutional design to both the Ministry of Federal Affairs and the Constitutional Review Commission.
- The Government should sponsor and encourage sustained intellectual debate on Federalism so as arrive at an institutional design that is context specific to South Sudan.
- It is apparent that South Sudan's central dilemma is balancing holding the country together and giving identity groups some degree of autonomy to self-government and so the National Dialogue should see the debate on federalism featuring high on the agenda.
- In light of the National Dialogue, a more robust policy on resources distribution should be negotiated and agreed upon and should be enshrined in the constitution.
- The people of South Sudan are seemingly ambivalent about their commitment and trust to the central authority, the government should register and recognize this as a challenge and develop policies that will make the presence of government felt more positively.
- The role of the traditional authority and the local government should be given more thought and a clever institutional redesign at the local level should be given a very serious consideration since the local government is not as recognized as the traditional authority.

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