

Does Federal System Perform Better in Managing Diversity and Reducing Conflicts in Africa? The Case of South Sudan

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The relation between conflict and governance has been dominated by type of government rather than by system of government. With increasing conflict in countries with ethnic and religious diversity, the debate has gradually shifted to understand better the link between conflict and system of government. There is a growing evidence that suggests federal system performs better than unitary system in managing diversity and reducing conflict. Decentralization is even seen to be more effective than federal system not only in managing diversity and reducing conflict but also in delivering public goods. This article provides an account of evolution of system of government in South Sudan. It finds a clear association of centralized unitary system with violent conflict and a relative peace during period of decentralized government or federal system. A decentralized federal system may be appropriate for South Sudan in managing diversity and mitigating conflict. Despite the popular demand by their citizens for a federal system to manage diversity and reduce violent conflict, the ruling elites in the post-independent South Sudan adopted instead an autocratic centralized unitary system that contributed among other factors to the persistent violent conflicts, erosion of social cohesion, and rising mistrust between state and citizens and between and among the communities of South Sudan.

Keywords: federalism, decentralization, unitary, conflict, South Sudan, diversity

Introduction

South Sudan came into being on 9th July 2011 and became the newest member of the United Nations and African Union after being unanimously accepted to these organizations. Such acceptance came as a result of the long political struggle of the people of South Sudan for freedom and justice but importantly it came as a result of the commitment of the international community to the implementation of the 2005 Sudan Comprehensive Peace Agreement (CPA) that granted the people of South Sudan the right of self-determination.

Undoubtedly, the birth of this new state came with optimism that South Sudan would not only be a viable state, but it will contribute to promoting peace and stability in the region. This optimism was based on the fact that South Sudan stands better chances to succeed because of the strong will of its people as manifested during the prolonged armed struggle and the referendum that was conducted with high level of civility and

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unprecedented sense of national unity, but also because of the will of the international community to making South Sudan a success story.

Despite this optimism, some analysts painted a bleak picture of the world's newest country and described it as failed state before it was born. Indeed, the world's newest country enters into a world that is stratified into the top billion people who are prosperous, middle four billion of people who are developing and on track to be prosperous, and bottom billion of people who are stuck at the bottom with appalling living conditions (Collier, 2007). Also the people living in the countries of the bottom billion have been in one or another of the four traps: conflict trap, natural resource trap, land-locked and bad neighbors trap, and prolonged bad governance trap.

South Sudan came into being with dreadful living conditions statistics. It had the worst child mortality and maternal mortality rates in the world. Its average life expectancy was lower than that of the bottom billion and child malnutrition rate was among the highest rates in the world. In addition South Sudan has been in four traps. It had been at war even before the independence of Sudan in 1956, it has abundant natural resources; it is a land locked country with bad neighbors and small country with bad governance and policies inherited from the continuing state of Sudan. Given these dreadful statistics and the traps that are facing South Sudan, it would certainly not require many efforts of where to position the newest member of the United Nation. South Sudan is not only in the bottom billion, but it is at the bottom of the bottom billion.

With less than three years of its independence in July 2011, South Sudan entered into first civil war in December 2013 confirming the well-founded argument that a country that was in war is more likely to enter into war again. The conflict that started within the Sudan People's Liberation Movement (SPLM), the ruling party, became a national crisis that caused enormous human suffering with ethnicity being used for sustaining the conduct of civil war. In the first year of the civil war about 2 million people were internally displaced and almost 2 million people took refuge in the neighboring countries, making it the most serious displacement crisis in South Sudan since the 1983-2005 civil war. With the eruption of civil war, the famine-like conditions persist with famine declared in 2017.

With the eruption of civil war in December 2013, the real question is: what let South Sudan slide again into civil war and what can be done to put it on the path of sustainable peace? This article is an attempt to contribute to answering this basic question by assessing the relationship between the system of government, violent conflict and social cohesion, and better management of diversity. Section 2 reviews the literature on relationship between system of government, conflict, and diversity. Section 3 discusses the evolution of systems of government in South Sudan. Section 4 assesses the post-independence system of government and its impact on conflict and management of diversity. Section 5 concludes with some core conclusions and policy implications for the appropriate system of government for better management of conflict and diversity in the new state of South Sudan.

Systems of Government: Conflict, Diversity, and Public Goods

There are divergent views about the causes of civil war in the literature of conflict. These views can be regrouped into those who believe civil war is caused by greed or grievance. The few researchers who analyzed the pre-war situation tend to unambiguously impute the causes of civil war to socio-economic and political grievances that are generated by unpopular policies and extractive institutions that serve the interests of the ruling elites. In the midst of civil war, it is not surprising to observe irrational behavior, economic agenda, and greed dominating this critical period as a way of sustaining the fighting activities of the warring parties through privatization of violence, counterinsurgency, and insurgency warfare.

Although the main cause of most civil wars is generally attributed to the quality of governance in terms of governance deficit, the type of government rather than system of government is seen to determine the quality of governance. The political science makes a clear distinction between types and systems of government. While types of government focus on “power sources” in terms of who rules and participates in government, the systems of government focus on “power structure” in terms of how power is distributed in the government. In other words, while type of government deals with the policy arrangements for power, the system of government is about constitutional arrangements for power. There is a cumulative evidence that shows parliamentary system provides better good governance than the presidential system.

Most civil war studies have been focusing on types of government rather than systems of government. There is also a long-standing position in political science that attributes causes of conflict to relative deprivation caused by bad governance and grievance that it produces (Gurr, 1970). For example Keen (1998) argues that much of violence in the contemporary conflicts has been initiated not by greed but by the elite trying to deflect the political threats by inciting violence conflict. Recently, the debate on the relation between conflict and governance has moved to discussion about the systems of government. There are three systems of government; namely unitary, federation, and confederation. While unitary system of government allocates powers to one center (unitarism), federal system of government allocates powers to a number of centers (federalism).

When comparing unitary system and federal system in terms of safeguarding the interests of minorities, managing diversity, overcoming mistrust and conflict, there is a growing literature that favors federal system. In her paper titled “A Problem of Trust: Can Federalism Silence the Guns?”, Zahar (2013) argues that federal systems are better than majoritarian unitary structures of power-sharing arrangements in helping to address the absence of trust as countries move from civil war to peace. Others argue that if federalism is properly designed and implemented, it can make government more responsive and accountable to citizens, improve transparency, encourage civic engagement, and foster political stability (Siegle & Mahony, 2006). Generally, federalism is adopted either to prevent dangers from foreign threat and from domestic insurrection as the case in USA (Hamilton, Jay, & Madison, 2005) or to avoid aggressive and preemptive wars among states as the case in Europe (Smith, 1995, p. 6). Selessie (2003, p. 3) argues that federalism is a compromise option, as it lies mid-way between the options of state that promotes complete assimilation and suppresses diversity or the disintegration of that state. Unlike unitary system, federalism is more appealing as it offers a constitutional mechanism that embraces, tolerates, protects, and promotes diversity (Fleiner, Kalin, Linder, & Saunders, 2003, p. 28). Also federalism is more likely to strengthen state by reducing threat of civil war caused by repressive policy against some ethnic groups or distinct territories (Selessie, 2003).

Despite these salient features of federalism, there are serious concerns about the efficacy of federalism as constitutional approach for managing diversity and preventing conflict. It is argued that federalism may weaken national unity and promote instead ethnic rivalry and hostility. Besides promoting ethnic hostility, federalism is seen to erode common political identity and national identity and may promote “ethnic fundamentalism” (Haysom, 2003). Some argued that the ineffectiveness of federalism in promoting stable system of government can easily be seen in the historical records that show the breaking down of federations in multi-ethnic states in the twentieth century, particularly in communist, post-communist, and post-colonial worlds (Carven, 1991).

Despite these criticisms of federalism, it is argued that federalism does not prevent conflict nor eliminate conflict, but it provides institutional framework within which diversity could be managed and acceptable solutions for resolving any conflict could be found (Gagnon, 1993, p. 24). As conflict cannot be eliminated but

rather managed, the effectiveness of federalism will be best measured in terms of providing the necessary capacity to regulate and manage conflicts instead of its capacity to eliminate conflicts (Gagnon, 1993). Also federalism does not necessarily ensure the harmonious coexistence of all ethnic groups, but it manages diversity in such a way to satisfy different ethnic groups in one state and to make ethno-regional coexistence a possible reality (Selessie, 2003, p. 88). Federal system unlike unitary system with its tier of government that is closer to the people is likely to have advantage to improve allocative efficiency and match local developments with local needs (Elazar, 1987, p. 252).

Besides the choice between different systems of government, the debate has shifted to comparing the different models of federal system in managing diversity and conflict. It has been well argued that the level of autonomy that an ethnic group enjoys in state is largely influenced and shaped by the territorial structure of the state (Selessie, 2003). There are two approaches to federal system: namely territorial federalism and ethnic federalism. While territorial federalism advocates the drawing of boundary lines along geographical or administrative convenience, ethnic federalism advocates the drawing of the internal boundary of state and tiers of state along ethnic lines. Territorial model of federalism is based on strong integrationist and assimilationist dispositions of state, while ethnic model of federalism is based on a recognition that ethnic groups can best manage their own affairs and protect and promote their distinctiveness by having their own territorial autonomy (Smith, 1995; Selessie 2003). In favor of ethnic federalism, Kymlicka (1995, pp. 27-28) argues that ethnic federalism provides effective self-rule to ethnic groups by becoming a majority in their territory and take their own decisions about their affairs without being outvoted by the larger society.

Ethiopia has exceptionally and boldly adopted ethnic federalism and provided ethnic groups the right of self-determination. Although some critics saw the adoption of ethnic federalism in Ethiopia as a recipe for disintegration, Ethiopia is emerging more peaceful with rapid economic development and it has become a regional economic and political power. However, it is argued that the successful implementation of ethnic federalism in Ethiopia is largely explained by the centralized structure of the ruling political party (Aalen, 2002). Some researchers argue that the observed stability in Ethiopia has resulted in “ethnicization” of local disputes and deepened inter-ethnic and intra-ethnic divides (Aalen, 2011). With the eruption of ethnic tensions in Ethiopia, it is argued that the Ethiopian ethnic federalism has failed to unite Ethiopia and paved instead way for the possible Balkanization of Ethiopia (Abraha, 2022).

The territorial federalism is criticized for not allowing ethnic groups to have territorial autonomy and makes them increasingly vulnerable to the dominant position of the majority ethnic group (Selessie, 2003). In the context where ethnic division is sharp in a state and prevalence of strong feeling for secession among some ethnic groups, adoption of territorial federalism in such setting may exacerbate division and cause violence (Anderson & Stanfield, 2005). Despite many researchers’ favoring for ethnic federalism, there are concerns that it may pose a threat to territorial integrity of state and territorial conflicts may become community conflict, as is the case of Belgium (Murphy, 1995). Another example of failure of ethnic federalism is the experience of Nigeria, the oldest federation in Africa, in erecting the boundaries of federation along three major ethnic lines that led to hegemonic ethnocentrism and secessionism in the country, which resulted in abandoning ethnic federalism and replacing it with territorial federalism in 1967 (Selessie, 2003).

There has been a debate whether most conflicts in Africa are attributed to ethnicity or boundaries that were arbitrary created by colonial administration. There are competing viewpoints about the role of ethnicity, religion, and culture as causes of civil war. Some argue that violent conflicts are cultural phenomena like other social

processes (Hendrickson, Mearns, & Armon, 1996), while the majority of researchers across all disciplines refute any claim that attributes the causes of civil wars to religion and ethnicity. There is, however, a growing empirical evidence that suggests the contrary and finds a positive association between the incidence of civil wars and religious polarisation and ethnic diversity (Huntington, 1996; Annet, 1999; Reynal-Querol, 2001; Ellingsen, 2000). The popular model of Huntington (1996), about the cultural fragmentation of the world that is based on the argument that the new reality of the world is defined not by ideological factors but rather by cultural factors, triggered heated debate across all social sciences. Huntington (1996) argues that as conflicts will be primarily caused by cultural differences, they will be more difficult to solve as their characteristics are less mutable than political and economic differences.

The standard academic response to conflicts in Africa has been that violence and war occur because of irreconcilable ethnic differences (Laremont, 2002). It is argued in the context of Africa that the diverse ethnic or national communities living in geographical units called states are in fact mere geographical configurations of states that are multiethnic or multinational in composition with their genesis in the colonial period. The nations and states that we have in Africa today are the result of geographical units created by European colonialists who divided up Africa beginning at the Congress of Berlin in 1885, partitioning Africa into entirely artificial territorial units. Because of this forced creation of artificial states, the process of states creation and nation building in Africa has been most unnatural, leading to very unstable nation-states. Deng (2002, p. 19) argues that the modern African states lack cultural roots as they were fashioned and constructed on the European model in virtual disregard for indigenous values and institutions. To worsen matters, African leaders in the immediate postcolonial period made critical decisions in the Organization of African Union (OAU) to accept and honour the colonially defined borders that Africa states had inherited from Europe.

In the immediate postcolonial period, African political leaders became more interested in consolidating the state, to contain the threat of disunity and fragmentation, than in examining the social causes of division within their own borders (Laremont, 2002). While these African political leaders largely succeeded in preserving unity, diversities and disparities have remained the sources of tension and conflict within states borders (Deng, 2002). As a result of apparent difficulty in solving ethnic civil wars, some economists (Kaufmann, 1996; Mearsheimer & Evara, 1995; Horowitz, 1985) developed “partition theory” that elaborates a set of hypotheses on the usefulness of partition as a solution to ethnic civil war as a way of restoring civil politics. Horowitz (1985) argues that it is a mistake to seek accommodation among the antagonists to live together in a heterogeneous state and it is better for them to live apart in more than one homogeneous state.

Sudan provides a good example of how mismanagement of diversity resulted in the partitioning of the country in 2011. Generally the political history of Sudan is characterized by Islamic assimilationist unitary system or military centralized unitary system adopted by the ruling elite to exclude the large majority of indigenous people from political, social, and political life on religious and ethnic grounds. Such system of government kindles deep frustrations that largely explain the root causes of the recurrent civil wars in Sudan (Deng, 2005). According to Khalid (1990) the main objective of the northern elite before independence and after their inheritance of the reins of power was the construction of a united Sudan with Arabo-Islamism as the sole determinant for national unity and citizenship. The ruling northern elite saw the religious and cultural diversity of the country as a threat to unity and strove to eliminate it as such diversity was perceived as tantamount to racio-cultural hegemony. According to Khalid (1990) it is this system of government adopted by the ruling northern elite that has haunted and continues to haunt the Sudan.

Ethnic, religious, and cultural diversity is to be seen as virtue rather than curse as such diversity is inevitable in any society and the way societies manage such diversity determines the level of peaceful co-existence or conflict (Deng, 2005). There are examples of community groups with different ethnicity and religion who have been able to live peacefully alongside each other for long periods and there are also examples of similar community groups who failed to co-exist peacefully as is the case of Sudan (Keen, 2000). As such the portioning of Sudan was not because of its ethnic, religious, and cultural diversity *per se* but rather by its ruling northern elite as they wrongly opted to impose an assimilationist, integrationist, and centralized unitary system that perceives Arab-Islamic national identity paradigm to unite the country.

Though this theory of partition has been shaping scholarly and policy opinion with its intuitive appeal on how to end ethnic civil war, it has been challenged on the ground that it does not avail a convincing reason that justifies partition as the only option to end civil wars. Sambanis (2000) shows with empirical evidence that partition does not reduce the risk of war and is instead positively associated with recurrence of ethnic wars. Collier (1998) refutes the belief that ethnic diversity increases the risk of civil war and argues instead that beyond a certain level of diversity, increased ethnic diversity reduces the risk of violence and even recommends the need to change the current state borders so as to increase ethnic diversity.

This narrative of using ethnicity as scapegoat for explaining the increased incidents of conflict in Africa let many researchers label most conflict in Africa as “ethnic conflict”. The post-independence ruling elites in Africa instead of recognizing ethnic diversity as an avoidable social phenomenon, they started forging a national identity at the expense of suppressing ethnic diversity and that causes even more conflicts in Africa (Deng, 2005). Fessha (2008) argues that diversity is a global phenomenon that cannot be addressed through universal rights of individuals but through federal institutional arrangements. Adoption of federalism does not by itself provide a solution for managing ethnic diversity, but its design may determine the extent to which the state is able to embrace unity and diversity (Selessie, 2003). It is argued that diversity in Africa can become a “curse” when it is not managed effectively, particularly when a governance deficit exists that leads to a system that does not embrace diversity (Kuol, 2020).

Besides the debate about the choice between models of federalism, the debate has shifted to the choice between federalism and decentralization in providing public goods including peace and stability. Some academics argue that the same objectives of federalism in managing diversity can be achieved through decentralization. This raises a question about the difference between federalism and decentralization. While federalism devolves powers through a constitutional arrangement, decentralization devolves powers through policy choice that can occur both in federally and non-federally structured states. In decentralized system, the central government decides the functions and responsibilities it can devolve to and withdraw from the sub-nation level, however, in the case of federal system the devolved-powers are guaranteed by the constitution and cannot be withdrawn by national government (Elazar, 1987).

As federalism and decentralization both involve devolution of powers to sub-national level, it is argued that the debate about choice between federalism and non-federal system should be about the choice between decentralized and centralized system of government in managing diversity and delivering public goods. As decentralization takes the national level as the center of power, the exercise of such power largely depends on majority principle that will not ensure the autonomy of ethnic minority to manage their own affairs without being over-vetoed by the larger majority (Selessie, 2003). However, some studies have clearly shown that decentralization outperforms federalism in the delivery of public goods. For example, while Treisman (2000)

finds that federal states have higher corruption level than unitary states, Fishman & Gatti (2002) find that fiscal decentralization is positively and significantly associated with low corruption levels. Interestingly, Freille (2006) finds that both fiscal decentralization and unitary system of government are simultaneously associated with lower corruption. Although such findings have been refuted on the basis of indicators used for federalism and decentralization (Blume & Voigt, 2008), many studies have unambiguously shown that decentralization delivers better public goods. In analyzing the effects of decentralized federalism, Blume and Voigt (2008) show that such system is positively related to growth-promotion in terms of productivity, government efficiency, and happiness.

There is now a growing focus on decentralization as policy choice rather than constitutional arrangements in ensuring sustainable delivery of public goods including peace and stability. Siegle and Mahony (2010) argue that the risk of intergroup strife in ethnically diverse societies can be reduced by decentralization as it provides space for various ethnic groups to freely manage their own affairs. It has been systematically shown that decentralized governance reduces conflict through electoral decentralization and more public spending and employment at lower levels (Faguet and Pal, 2023). Because of this growing literature in support of decentralized governance, the World Development Report (2011) identifies localization (decentralization) and globalization as the two complementary forces that will shape the development agenda in the 21st Century. In addition to this assertion that localization will contribute to shaping the development agenda, traditional institutions, particularly in Africa, have been found to be resilient, legitimate, and relevant to socio-cultural, economic, and political lives of rural Africa. It has been shown that traditional authorities enhance good governance through their advisory role, their development role, and their role in conflict resolution; a role traditional leader in Africa has shown success (UNECA, 2007).

Besides recognizing its role in shaping development agenda, decentralization is acknowledged as effective mechanism for managing diversity and if it is implemented right it can contribute to reduction of poverty in fragile and conflict affected countries (WDR, 2011). It is also argued that decentralized governance has potential to mitigate conflict by offering path to national unity, a political solution to civil war, an instrument for deflecting secessionist tendencies, and a mechanism to co-opt grassroots support for central policies (WDR, 1999). Brancati (2006) finds that decentralization may directly reduce conflict and secessionist tendencies by bringing government closer to their people, but it may indirectly increase conflict and secessionism by encouraging the growth of regional parties that may reinforce ethnic and regional identities. Despite these salient features of decentralized governance, some argue that decentralization can intensify rather than offset conflict (Braathen and Hellevik, 2008).

South Sudan: Evolution of Systems of Government and Violent Conflicts

South Sudan provides a good case study for assessing the link between the system of government, violent conflict, and ethnic tensions. This link is traced through the evolution of various systems of government pursued by various regimes in South Sudan during (i) pre-colonial period, (ii) colonial period, (iii) the post-independence Sudan, and (iv) the post-independence South Sudan.

The Pre-colonial Period

The ancient history of South Sudan as part of the history of Sudan can be traced according to archeological evidence to Paleolithic area (Omer, 2009). It is believed the era of civilization and the first human settlements emerged approximately 7500 B.C. from ancient pastoral culture in Sudan. The most important and relevant

civilization to the context of South Sudan is Kush Kingdom that emerged around 1070 B.C. and established around the confluences of rivers Blue Nile, White Nile, and Atbara in what is now known as northern Sudan (Leclant, 2004). Uniquely, the Kush Kingdom established a strong monarchic and centralized system of government with Nubian religion and language. Its capital was initially at Kerma and later moved to Napata in 780 B.C. and then moved to Meroe in 591 B.C. After invading Egypt in 8th Century B.C., the Kushite Kings ruled Egypt as pharaohs for a century until they were expelled in 656 B.C. (Leclant, 2004). The Kush Kingdom persisted until it disestablished in 4th Century AD or around 350 AD, when it weakened and disintegrated due to internal rebellion that led to invasion and capturing of its capital by the Ethiopian Kingdom of Axum.

The name of Kush was probably *Kash* as recorded in Egyptian and it also referred to ethnic term for the native population who established the Kush Kingdom (Goldenberg, 2005). The name of Kush has also been connected to biblical character *Cush*, one of the four sons of Ham; namely Cush, Put, Canaan, and Mizarim (Hebrew name for Egypt) (Genesis: 10:6). The archeological evidence shows beyond any doubt the rulers of Kush Kingdom were not only blacks but also practiced African customs different from Egyptian practices and customs. In particular, the ancient burial practices of Kush rulers with sacrifices of properties or humans were still practiced till recently by some ethnic communities of South Sudan.

The system of government in Kushite Kingdom was highly centralized and ruled by “god-kings” and consisted of hierarchical structure with diverse administrative agencies spreading all over the kingdom for effective management with administration of justice entrusted to priests (Kisangani, 2005). The form of government was based on divine kingship that is based on the religious function of political system. Under the guidance of Gods, the government was expected to maintain integrity and expansion of the kingdom as well as creating civic and individual security and maintenance of rule of law (Kisangani, 2005, p. 2). The system of government was divided into hierarchical stratifications with the king at the top, a small group of high-ranking and wealthy officials next, and a much larger group of bureaucrats and others at the bottom layer (Kisangani, 2005, p. 3).

It is argued that the emergence of ancient Egyptian civilization came as a result of the permanent settlement of some African nomads in villages along the River Nile at the end of prehistoric period. African kingdoms, chieftaincies, and empires came into being when African nomads became more effective in managing their land and animals that necessitated their settlement in villages through confederation or conquest for purposes of commerce or defense (Kisangani, 2005, p. 1). In order to ensure stability and prosperity, the newly settled African communities adopted two types of system of government, namely hierarchical political system and horizontal or acephalous societies. Kisangani (2005, p. 2) argued that the political systems that evolved in Africa before the arrival of colonialism were either centralized or decentralized and headed by emperors, chiefs, kings, or military commanders.

Most South Sudanese associated their ancient history to Kush Kingdom as they believed they have been implicitly referred to in the Bible in the Book of Isaiah Chapter 18 as people of Kush had smooth black skin and tall and lived in a country crisscrossed with rivers. However, some scholars argue that the use of term Kush in the Bible might refer instead to Kassites of Zagros Mountain region (within modern Iran) (Goldenberg, 2005). However, on the basis of archeological and physical evidence in the livelihood of Nioletes, it is argued that the Nioletes have enormously contributed to the governance and civilization of Kushite/Nubia Kingdom (Robertshaw, 1987). Despite such claim by South Sudanese of civilization of Kush Kingdom, there is not a solid archeological and historical evidence that links the Kush civilization to the contemporary traditional communities in South Sudan.

Whether Kush civilization is linked to South Sudan or not, the most important focus is on the role of traditional system of government in maintaining rule of law, peace, and stability in the pre-colonial period. South Sudan, with about 64 major ethnic groups, is considered as one of the most diversified countries in Africa. These ethnic groups can broadly be categorized into *Nilotic groups*, *Nilo-Hamitic groups*, and *the South-western Sudanic groups*. Despite this regrouping of these ethnic groups, each ethnic group has its own traditional institutions and system of government that kept them distinct and united during the pre-colonial period.

Prior to arrival of the colonial authorities to South Sudan, the various communities of South Sudan witnessed considerable migration that was accompanied by acrimonious and bitter process of forming alliance or confederation between and among various communities before they permanently settled as distinct ethnic groups in their current territories. The socio-political systems and structures adopted by various ethnic groups in the pre-colonial period ranged between centralized political authority, represented by Shilluk (Chollo) and Azandi, and non-centralized political authority, represented by Dinka and Nuer (Omer, 2009). The adoption of various systems of government by various ethnic groups in South Sudan was largely shaped by ecological environment, internal power struggle, economic activities, and external threats.

The socio-political organization of Nuer and Dinka ethnic groups was based on age set and lineage system that was compromised of clans, tribes, and subdivisions with their legal and socio-political rules managed by elders without a permanent centralized individual authority (Deng, 1971). The socio-political organization of Nuer and Dinka ethnic groups was described by Fortes and Evans-Fritchard (1987) as acephalous state lacking legislative, judicial, and executive organs but its persistence and coherent form made it far from being described as a chaotic system but rather an “ordered anarchy”. The Ngok Dinka of Abyei area has uniquely departed from characteristics of stateless Nilotes leadership and adopted instead a “centralized” political structure similar to that of Shilluk (Kuol, 2014, p. 5).

The ethnic groups of Shilluk and Azandi provide good example of a well-established but different centralized political authority. The Shilluk nation established a centralized authority with detailed system of governance and exercise of powers. King or Reth headed this centralized authority with administrative, political, judicial, and spiritual sovereign powers. Although there is unsettled debate about whether the nature of sovereignty of Shilluk Kingdom is “divine” or “sacred” (Graeber, 2011), the centralized authority was necessitated by their territorial circumscription, sandy ridges, limitation of movement for food-crop cultivation, and external threats from their neighbours (South, 1976). The Azandi ethnic group adopted rather a different centralized authority that was an intricate admixture of feudalism, traditional, administrative, and spiritual authority (Omer, 2009). The Azandi kingdom emerged from conquest and assimilation of other ethnic groups and uniquely established aristocratic ruling class and commoners (Evans-Pritchard, 1958).

The various systems of government adopted by various ethnic groups before their contacts with foreign colonialists were tailored to fit their context and environment. Undoubtedly, the traditional institutions adopted by various ethnic groups had managed not only to maintain peaceful coexistence, tranquility, and social cohesion but also nurture common identity around their distinct cultures and customs. In addition, these systems of government had shown a remarkable resilience capacity not only during the pre-colonial period but also when they came into contact with foreign colonialists. Generally, the systems of traditional authorities in South Sudan survived in different ways the turmoil of the Turkiyya slave-raids, the Mahdiyya’s chaos, the Anglo-Egyptian’s early tolerance of slave-raids, and subsequent decades of misruled during the post-independence Sudan (Kuol, 2014).

Colonial Period

The colonial period during which the system of government in South Sudan could be assessed includes (i) the Turco-Egyptian regime (1821-1881) and the Mahdiyya regime (1881-1898), and (ii) the Anglo-Egyptian regime (1898-1956).

Turco-Egyptian and Mahdiyya Regimes: Military and Assimilationist System

With arrival of the Turco-Egyptian regime to Sudan in 1821, the new regime imposed militaristic and centralized unitary system of government as the most effective way of mobilizing slaves and ivory. This new system of government had a profound impact on the African ethnic groups and their traditional systems of government along south-north border of Sudan and changed the local balance of power in favor of Arab ethnic groups. During this period, the Turco-Egyptian authorities and private traders undertook slave raids on a considerable scale into what is today South Sudan. The Arab nomads sponsored by the new regime became so engaged in massive raiding of African ethnic communities in Sudan including South Sudan for slaves and cattle and established al-Zubayr Pash's slave trading empire in Bahr el Ghazal region in South Sudan. These slave raids by the Turco-Egyptian regime and Arab nomads had profoundly affected on the prevailing system of traditional authorities in South Sudan. Some ethnic communities resisted such raids by strengthening their traditional institutions and others became submissive and succumbed and became part of the new regime.

For example the Shilluk Kingdom enjoyed relative stability since 1700 until the arrival of Turco-Egyptian regime in 1821. As the new regime attempted to establish its authority in the region in search of ivory, the Shilluk Kingdom refused to receive the official envoys of the new regime but allowed the foreigners to settle and guarantee them safety (Graeber, 2011, p. 18). With arrival of foreigners, the Shilluk Kingdom encouraged trade and imposed systematic taxes as well as asserting its monopoly of violence by creating a royal monopoly. Most foreigners who visited the Shilluk area recognized that they were dealing with a bona fide monarch with at least embryonic administration (Graeber, 2011, p. 19). However such stability changed drastically when the new regime replaced the ivory trade with slaves trade. By 1861, the Turco-Egyptian regime with Arab traders sparked warfare with devastating slave raids against the Shilluk and that resulted in weakening of the Shilluk Kingdom (Udal, 1998). This warfare situation continued and was exacerbated by the chaos of Mahdiyya that imposed Islamic assimilationist centralized unitary system that resulted in carnage and reduction in the population of Shilluk by half and their herds decimated (Graeber, 2011).

Another example of resilience of traditional system of government to colonial regime is the Ngok Dinka of Abyei. The arrival of the Turco-Egyptian regime to Sudan in 1821 changed the local balance of power in favor of their Arab nomads neighbors, the Misseriya, and this led the Ngok to adopt new defensive strategies against their northern neighbors. These defensive strategies include using age-sets as "standing-army" and electing "war chiefs" for each village as well as using diplomacy. As the Turco-Egyptian regime became increasingly oppressive in the final quarter of the nineteenth century, the Mahdiyya waged war against the regime. In a bid to protect their people against slave raids, the chief of Ngok Dinka and other Dinka chiefs from Bahr el-Ghazal region accepted the offer of truce by the leaders of the Mahdist uprising and forged a temporary alliance to get rid of the Turco-Egyptian regime (Johnson, 2007). This caused the collapse of the formal Egyptian administration in Bahr el Ghazal region.

But with fall of Turco-Egyptian regime in 1881 and the advent of the Mahdiyya, the Arab nomads and traders scaled up slave raids against the people of Bahr el Ghazal region. To protect his people from slave raids

and to win the confidence of the new regime, the leadership of Ngok Dinka of Abyei went to the north to give their allegiance to the Madhdi and to complain about Arabs slave raids and robbery of his people. Although the period of Mahdiyya was characterized by two decades of conflict and accompanying chaos, some scholars have argued that it was a relatively peaceful period for the Ngok. Unlike the Shilluk Kingdom, the rise and fall of the Mahdist regime had the indirect effect of enhancing the centralized political structure as well as strengthening the Ngok position in their relations with their Arab nomads neighbors (Deng, 1995).

Other ethnic communities adjusted differently to the slave raids and chaos of Turco-Egyptian and Mahdiyya regime are the Azande. Evan-Pritchard (1958, p. 23) argued that the sophistication and cultural and social plasticity displayed by the system of government of the Azande are a result of their historical experience of conquering people and established themselves among foreign peoples that made them easily adjust to the processes of cultural assimilation and political integration. As such the Azande Kingdom showed through its system and institutions of government a remarkable resilience and capacity to cope with the Turco-Egyptian slave raids and the chaos of Mahdiyya regime. The resilience acquired by the Azande to cope with various colonial regimes had helped them to retain and preserve their values, institutions and political system (Evan-Pritchard, 1958, p. 24).

Anglo-Egyptian Rule: Restoring Native Administration

Since the arrival of Turco-Egyptian regime and before the independence in 1956, Sudan had not been at peace except during the post-pacification period (1930-1954) of the Anglo Egyptian rule. After defeating the Mahdiyya regime in 1898, the Anglo-Egyptian regime entertained the slave raids by Arabs in South Sudan. As such the arrival of Anglo-Egyptian regime was resisted by many ethnic groups in South Sudan and that contributed later on to the adoption of various ordinances, which culminated to “Southern Sudan Policy” in 1930.

The administration of South Sudan was not a priority to the new regime and the military administration prevailed for another three decades until the finalization of the provincial borders in 1929. As early as 1921 and before the formulation of Southern Sudan Policy, the system of government in southern Sudan had been based on the principles of “native administration”. The rationale of native administration or indirect rule was that the Anglo-Egyptian rule found it more effective to use the local authorities to discharge the routine administration by using local customary structures and law (Johnson, 2003).

As the experience with the native administration was relatively successful in maintaining rule of law, peace, and stability, the British rule formulated the native administration into policy known as “Southern Sudan Policy 1930”. The main aspects of this policy are explained in its memorandum that states:

The policy of the Government in the southern Sudan is to build up a series of self contained racial or tribal units with structures and organization based, to whatever extent to the requirements of equity and good governance permit, upon indigenous customs, traditional usage and beliefs. (Henderson, 1965, p. 165)

This policy had contributed in restoring and protecting the systems and institutions of traditional authorities in South Sudan. The British rule managed to revive and reinvent the royal installation ritual and royal institutions of Shilluk Kingdom after falling into abeyance during the slave raids of Turco-Egyptian and chaos of Mahdiyya (Graeber, 2011). Also during the Anglo-Egyptian regime, the Ngok Dinka enjoyed relative peace and consolidated their centralized political structure and enhanced the economic position of Abyei as a cross-border between the African south and the Arab north (Kuol, 2014).

After the Dinka rebellion of 1922 against excessive taxes, the British administration changed its policy and tried to win the confidence of Dinka. The improved relations between the British administration and the Ngok contributed to the gradual consolidation of the Ngok's centralized political structure. This centralized political structure raised concerns among some British administrators in the south that this was seen as a sign of Arabization. This unfounded perception contributed to the imposition of the "closed districts" policy of 1922, the demarcation in 1924 of a new boundary lying 25-40 miles south of the Bahr el Arab/Kiir in Dinka land, and development of the "Southern Policy" in 1930. As such the centralized political structure of Ngok Dinka of Abyei contributed toward shaping a South Sudanese identity and in defining the character of the independent state of South Sudan (Kuol, 2014).

Post-independence Sudan: Military, Centralized, and Assimilationist Unitary System

The post-independence northern Sudanese ruling elites who took over power from the British rule in 1956 adopted intermittently military or democratic centralized unitary system with the aim of establishing Arab-Islamic state. The post-independence Sudanese rulers consistently focused on dismantling Southern Sudan Policy that was based on traditional system of government and on replacing it with Arabization and Islamization policy of Southern Sudan. Well-established religious, cultural, and educational norms in Southern Sudan were eroded during the years of Sudanization (1954-1955). According to Alier (1992), a number of steps were taken to Islamize and Arabize cultural life and particularly the system of government in Southern Sudan. Besides the impact of new Islamization and Arabization policy, the thirty-nine years of civil war in Southern Sudan (1955-1972 and 1983-2005) have caused enormous disruption in the system of government and traditional institutions in Southern Sudan. Equally, the system of government established since the independence of Sudan was never stable due to frequent changes of types of government, ranging from Secular through Socialist to Islamic regimes. While the system of government remained largely unitary since the independence in 1956, the policy choice of devolving powers took the form of either decentralization or deconcentration of powers.

After the independence in 1956, the new northern ruling elites in Khartoum adopted a deconcentrated system of transfer of power from the central government to local governments based in the nine provinces, including the three provinces of Southern Sudan. Each province delegated powers to local government units, known as rural councils in rural areas and municipal or town councils in urban areas. These councils were simply administrative units of provinces exercising deconcentrated and delegated powers to maintain law and collect revenue on behalf of the provincial authorities.

This deconcentrated system of government continued until the communist regime took power in Khartoum in 1969. During 1971-1980, the new communist regime maintained unitary system but adopted a decentralized system of government by devolving authority from the central government to local governments in the provinces. In 1981 the new regime decided to devolve the authority of local government to a community level of government in rural areas, and to municipal and town councils in urban areas. These authorities enjoyed greater autonomy for elected councils who presided over the Peoples' Local Government Councils in the processes of local policy making and the supervision of the executive functions.

With the conclusion of Addis Ababa Peace Agreement in 1972 that granted Southern Sudan regional autonomy, the central government devolved authority through constitutional arrangement to the regional government of Southern Sudan. This Southern Sudan regional government exercised legislative and executive authority without judicial authority and with system of decentralized local government. This decentralized local

government continued with 24 local government councils until 1975 and then divided into 48 area councils in 1981. During this period (1972-1981) of decentralized unitary system, Sudan and Southern Sudan in particular enjoyed relative peace and improved access to basic services. This system of government continued in Southern Sudan until October 1981 when the Southern Sudan Regional government was dissolved and new care-taking government was appointed to oversee the process of abrogating the Addis Ababa Peace Agreement and re-dividing the Southern Sudan Region into three regions (Bahr el Ghazal, Equatoria, and Upper Nile) (Alier, 1992).

After the abrogation of Addis Agreement Peace Agreement and eruption of the second civil war in 1983, two authorities, namely the Government of Sudan and Sudan People's Liberation Movement (SPLM), were governing Southern Sudan until the conclusion of the Sudan Comprehensive Peace Agreement (CPA) in 2005. During the early years of liberation struggle in the early 1980s, the SPLM relied heavily on traditional authorities in governing the areas under its control. As more areas became under its control with more civilian population, the SPLM convened National Convention in 1994 that resolved to set up a civil administration with its structures based on a decentralized system of government (SPLM, 1994). In 1996, the SPLM created "Civil Authority of the New Sudan (CANS)" with the role of empowering the civil population to become productive and the driving force of the liberation struggle.

On the basis of the resolutions of the National Convention and the conference on civil administration, the CANS was set up as follows: "Boma (small administrative unit or village); Payam; County; Region and National Authority". However, the actual implementation of such elaborate structure suffered from the lack of legal framework, inadequate financial and motivated and skilled human resources, weak institutions, and poor physical infrastructures. As such the system of government during liberation struggle remained largely militarized (Oystein, 2005) and depended entirely on traditional system of government. Despite its militarization of system of government, the SPLM managed to maintain relative peace and reduced ethnic conflicts by effective monopoly on violence and relying on traditional institutions and indigenous customs and beliefs.

The Post-independence South Sudan: Current System and Violent Conflicts

When the National Islamic Front (NIF) assumed power in 1989 in the Sudan through a coup d'état, it made promotion of a very conservative brand of Islam a central goal to govern the country. During the 1990s, the NIF government stepped up Islamization to the extreme not only by enforcing *Sharia* but also by attempting to mold Sudanese society into a modern Islamic state that entails reducing diversity and multiple elements into a single conception of true Islam (ICG, 2002, p. 94). The new regime adopted Islamic, assimilationist, and autocratic unitary system. Powers were vested on the State Governor (Wali), upon whom religious and political powers were conferred. In the practice of governance, the Wali delegated State powers to the local government councils, which diminished over time as the councils became non-functional. Local government systems disintegrated, and services were poorly provided to the people.

In efforts to consolidate its authority and to appeal to the people of Sudan, particularly the people of South Sudan, the Islamic regime resolved in the National Dialogue Conference on Peace in October 1989 to adopt Islamic federal system as an effective way of managing diversity (Kacuol, 2008). The Islamic regime issued various constitutional degrees related to establishment and organization of federal institution and division of powers to the tiers of government (federal, state, and local government). During this period of Islamic system of government, the people of Sudan experienced the worst violent conflict not only in the Southern Sudan but also

in the regions predominately inhabited by African ethnic groups such as Darfur, Eastern Sudan, Nuba Mountains, Blue Nile, and Nubi in far northern Sudan.

The laws that established regional government were repealed in 1991 and the nine (9) regions were replaced with nine states and 26 provinces. Also the exclusive and concurrent powers of federal government and state government and the conditions for establishing provinces were spelled out (Sharman, 1991). In 1993, the nine (9) states were increased to 26 states with each state consisting of provinces and each province made up of localities (Kacuol, 2008). Though the Sudan National Constitution 1998, recognized federal system with three tiers of government (federal, state, and local government), the actual implementation of federalism shows that federalism was only a political rhetoric as the system of government largely remains assimilationist and centralized unitary system until the conclusion of the Sudan Comprehensive Peace Agreement (2005) in 2005.

CPA: The Realization of the Federal System in Sudan

Despite the debate about federalism in the Sudan that started in 1954, the serious discussion about the appropriate system of government for Sudan took place during the negotiations between the Government of Sudan (GoS) and SPLM in Abuja (1991-1993) and the CPA, 2005. During the first round of Abuja Negotiations in 1992 between SPLM and the Government of Sudan, the system of government for managing diversity (federalism, confederation, and others) was one of the agendas. These negotiations came after the split in the SPLM in 1991 into SPLM (Torit) and SPLM (Nasir) and both participated in Abuja Negotiations as separate parties.

Prior to the negotiations in 1992, Nigeria, as the mediator, proposed a federal system of government as the best way of resolving conflict in Sudan. In response to this proposal, the GoS put forward its Islamic Federal Structure as the best way of resolving the conflict (Wondu & Lesch, 2000). The SPLM (Torit) wanted a weak federalism but favored more confederation, while SPLM (Nasir) sought independence for Southern Sudan as the only way of resolving conflict in Sudan. On the basis of the proposals presented by the warring parties, Nigeria commented that the proposals presented by the warring parties did not reflect the “true federalism” that is needed for managing diversity in Sudan (Wondu & Lesch, 2000).

In preparation for the second round of peace negotiations in Abuja in 1993, Nigeria presented to the warring parties a modified proposal on federalism for Sudan that spelled out exclusive, concurrent, and residual powers of the three tiers of government in Sudan. During the second round of peace talks in Abuja, the members of GoS negotiating team refused to discuss “confederation” or to place it on the agenda as they viewed it as “separation in disguised form”, but they accepted the Nigerian proposal as they viewed it as compatible with their proposed federalism (Wondu & Lesch, 2000).

The SPLM, on the other hand, tabled confederal system but was ready to discuss the Nigerian proposal with understanding that federalism in Nigeria operates in a secular context. However, the SPLM criticized the GoS proposed federalism and viewed it as “unitary system” and rejected any effort to devolve powers along the lines of Addis Ababa Agreement, 1972 (Wondu & Lesch, 2000). In making its preferred proposal on confederation as the only option for managing diversity in Sudan, the SPLM outlined three alternative models for resolving the conflict in Sudan: the current unitary state model (Model 1), the confederation model (Model 2), and the separation model (Model 3).

The SPLM argued that Sudan would inevitably break up or break down (Model 3) if the GoS insisted on dominating other Sudanese on the Islamic-Arab system of government (Model 1) (Wondu & Lesch, 2000). In

fact SPLM argued that Sudan would be better off in adopting confederation rather than continuing with the current system of government that may make the separation of Southern Sudan as the most likely outcome. Given the divergent views of the warring parties about the system of government, the second round of Abuja peace negotiations broke down and failed to produce a peace agreement for Sudan.

After the failure of Abuja peace negotiations, the Inter-governmental Authority on Development (IGAD) facilitated peace negotiations between GoS and SPLM in Kenya during May 2002-December 2004. Unlike Abuja peace negotiations, the IGAD-led mediation did not discuss the system of government but rather the tiers of government and their powers, the principles of decentralization, and the devolution of powers at all levels of government. Although CPA did not explicitly mention federalism, the system of government agreed upon by the parties was by all standards not only a federal system but a decentralized one. Specifically, CPA adopted a decentralized system of government in the four tiers of government (national, Southern Sudan, state, and local government). The CPA provided for the establishment of 25 states and Abyei Area Administration and a number of local governments in each state. Also exclusive, concurrent, and residual powers of all levels of government except local government were detailed in the CPA. Also mechanisms for ensuring fiscal decentralization at all levels of government except local government were also spelled out in the CPA.

In comparing the system of government agreed upon in the CPA with a typical decentralized federal system, the CPA met the core elements of a typical federal system as shown in Table 1. Each tier of government enjoys a typical quality of state with well spelled out exclusive, concurrent, and residual powers with principle of subsidiarity adopted in allocating tasks for the tiers of government. Also each tier of government enjoys political and financial competence with sovereign authority of government vested in the people. The CPA also provided for the establishment of Council of States as second chamber for co-decision in central legislature. Also clear mechanisms are provided in the CPA for conflict resolution. In fact CPA provided for establishment of administrative federalism by creating four tiers of government. It also provided for establishment of political federalism by making each tier of government autonomous with its own legislature, executive, and judiciary, as well as establishing fiscal federalism by designating each tier of government with fiscal competence to collect and spend its own revenues.

Besides providing for the establishment of federal system of government, CPA made it clear that the system of government in Sudan shall be decentralized. The CPA provided also clear principles for the devolution of powers and inter-governmental linkages to ensure effective administration of decentralized system of government and participation of people in government as well as ensuring unity of Sudan while recognizing the diversity of its people. Although it is not explicitly stated, the CPA adopted territorial federalism.

On the basis of the provisions of the CPA, the Interim National Constitution, 2005 and the Interim Constitution of Southern Sudan, 2005 (ICSS, 2005) were promulgated and adopted as legal guarantee for the implementation of the CPA. As such the system of government in Southern Sudan during the interim period of the CPA (2005-2011) was a decentralized federal system. Interesting, Southern Sudan adopted territorial federalism at the level of state and implicitly adopted ethnic federalism at the level of local government. During the period of CPA with its decentralized federal system, Sudan and Southern Sudan in particular enjoyed a relative peace and stability till the secession of South Sudan in 2011.

Table 1

Comparing Federalism and CPA System of Government

	A typical federal system	CPA system of government
Constitutional quality of tiers of government	State quality	Four levels of government (National, South Sudan, state, and local government) established with state quality in terms of each level having its own legislature, executive, and judiciary.
Political competence	All tiers of government	All tiers of government enjoy political competence in terms of autonomy and devolution of powers.
Concept of sovereignty	With people	Sovereign authority is vested in the people
Financial competence	All tiers of government	Each tier of government has been assigned a clear financial competence and sources of revenue and Financial and Fiscal Allocation and Monitoring Commission established (FFAMC) to ensure implementation of fiscal federalism.
Principle of allocation of tasks	Subsidiarity (bottom up)	Principle of subsidiarity is adopted to resolve conflicts related to concurrent powers and in case of contradiction in provisions of laws at different levels of government.
Co-decision in central legislation	Second chamber	Council of States consisting of representatives of all states is established as the Second Chamber.
Conflict resolution mechanisms	Consensus as necessity in negotiations	Most decisions in most executive institutions at all levels are taken through consensus.
Conflict resolution in case of conflict	Constitutional Court	Constitutional Court established as conflict resolution mechanism.

South Sudan: A Regression From the Decentralized Federal System

The system of government to be adopted after the conduct of the referendum on self-determination was guaranteed in the ICSS, 2005. Specifically, Article 208(7) of ICSS, 2005 made it clear that if the outcome of the referendum on self-determination favors secession, this constitution (ICSS, 2005) shall remain in force as the constitution of a sovereign and independent Southern Sudan. In other words, the decentralized federal system established during the period of CPA is to continue in the sovereign and independent South Sudan.

Contrary to the provisions of the ICSS, 2005, the Transitional Constitution of the independent South Sudan, 2011 (TCSS, 2011) adopted instead a centralized and semi federal system as summarized in Table 2. While TCSS, 2011 explicitly stated in its Article 1(4) that South Sudan shall be governed on the basis of a decentralized democratic system; there are many of its provisions that clearly favor centralized system of government and are inconsistent with a typical system of federalism. One glaring departure from federal system is that TCSS, 2011 in its Article 3(2) states that the authority of the government is derived from the constitution and the law instead of “will of the people” as in ICSS, 2005. Deriving the authority of the government only from the constitution and the law is inconsistent with the concept of sovereignty that rests with the people in a typical federal system.

Also the TCSS, 2011 does not meet some key aspects of any federal system such as the autonomy and political competence of tiers of government. Unlike the ICSS, 2005, the TCSS, 2011 in its Article 101(r) and (s) gives exceptional powers to the President of South Sudan to remove an elected state governor and/or dissolve state legislature in the event of a crisis in the state that threatens national security. The irony with this constitutional provision is that such functions are exercised without the due process of law and without clear mechanisms upon which such powers could be objectively exercised. Acting on this constitutional provision, the President of South Sudan removed the governors of Lakes and Unity states from their elected positions. While the President of South Sudan has constitutional competence to remove the elected state governors, there are

doubts: whether such decisions were politically motivated or were taken to avert crises in the two states and whether the alleged crises were threatening the national security.

Other aspects of constitution quality and political competence of tiers of government include that each tier of government should have its own judiciary, public attorneys, police, and other law enforcement agencies. While ICSS, 2005 made clear provisions to have state judiciary and decentralized public attorneys, police, prisons, wildlife, and fire-brigade services, the TCSS, 2011 centralized all these services. In particular, while ICSS, 2005, in its Article 171 provided for the establishment of state judiciary, the TCSS, 2011 does not provide for the establishment of state judiciary as one of the three pillars for a government. As such the ten states of South Sudan do not exhibit in the TCSS, 2011, constitutional quality of state or political competence as they lack judiciary as one of the main pillars of any state.

Table 2

Comparing ICSS, 2005 and TCSS, 2011

	ICSS, 2005	TCSS, 2011
Constitutional quality of tiers of government	Three levels of government (Southern Sudan, state, and local government) established with state quality in terms of having their own legislature, executive, and judiciary.	Three levels of government (South Sudan, state, and local government) established with less than state quality as each state has its own legislature and executive but no judiciary.
Political competence	Three autonomous levels of government were established with administrative, political, and fiscal decentralization. Decentralized police, prisons, wildlife, and fire brigade services. Decentralized services of public attorneys. State to organize local government and its elections according to its constitution and the law.	Three tiers of government established. President of South Sudan has been given power to dissolve an elected state legislature and remove an elected state governor. No state judiciary Centralized police, prisons, wildlife, and fire brigade services. Centralized services of public attorneys. National Elections Commission to organize and conduct local government elections.
Concept of sovereignty	The authority of government at all levels is exercised in accordance with the will of the people. Decentralized economic development. Sources of revenue to be collected by each level were clearly spelled out.	The authority of government at all levels is exercised in accordance with the constitution and the law. Decentralized economic development. Sources of revenue to be collected by each level were clearly spelled out.
Financial competence	FFAMC established with membership of state finance ministers to ensure implementation of fiscal decentralization. Principle of subsidiarity is adopted to resolve conflicts related to concurrent powers and in case of contradiction in provisions of laws at different levels of government.	FFAMC established but with no membership of state finance ministers to ensure implementation of fiscal decentralization. Principle of subsidiarity is adopted to resolve conflicts related to concurrent powers and in case of contradiction in provisions of laws at different levels of government.
Principle of allocation of tasks	Council of States established as the Second Chamber and consisted of representatives appointed by state legislatures.	Council of States established as the Second Chamber and consists of representatives appointed by state legislature and President of South Sudan
Conflict resolution mechanisms	Most decisions in most executive institutions at all levels are taken through consensus.	Most decisions in most executive institutions at all levels are taken through consensus.
Conflict resolution in case of conflict	Constitutional Court.	Supreme Court.

The status of local government as the third tier of government is rather ambiguous as it is recognized by both ICSS, 2005 and TCSS, 2011 as the closest level of government to the people but within the state rather than standing alone level of government. Specifically, ICSS, 2005 in its Article 168(5) made it clear that the

organization of local government and elections to its respective institutions shall be conducted in accordance with the relevant state constitution and the law. However, the TCSS, 2011 in its Article 163(6) stated it clearly that elections to local government shall be organized and conducted by the National Elections Commission. This is another example where the constitutional and political competence of the state has been given to the national level of government in the new constitution of the independent South Sudan.

In terms of fiscal and financial competence, both ICSS, 2005 and TCSS, 2011 provide detailed sources of revenue to be collected by each level of government and mechanism of ensuring appropriate sharing and utilization of financial resources through establishment of Fiscal and Financial Allocation and Monitoring Commission (FFAMC). However, while ICSS, 2005 emphasized the decentralized economic development as one of the economic objectives for Southern Sudan, the TCSS, 2011 in its Article 169(2) replaces decentralized economic development with equitable economic development. This is another glaring example of how the new state of South Sudan retreated from its commitment to the decentralized system of government. Also, in order to ensure the representation of states in the FFAMC, Article 188(3)(b) of ICSS, 2005, provided that state finance ministers to be members of the FFAMC. However, the TCSS, 2011, in its Article 181(4) replaces Article 188(3) of ICSS, 2005 with provisions that excluded state finance ministers to be members of the FFAMC.

With the comparison of two constitutions ICSS, 2005 and the TCSS, 2011, it can be argued that South Sudan has considerably departed from a decentralized federal system after its independence in July 2011. The current system of government in the independent South Sudan is not only centralized but it exhibits features of autocratic unitary system. This system of government has contributed among other factors to the eruption of the first civil war in 2013 in less than three years of its independence, and followed by the second civil war in 2016. It has been shown that the process of constitution-making can cause civil conflict as such a process itself can derail the peaceful intent of a constitution (Basuchoudhary, Bang, David, & Sen, 2021). In fact the process of promulgating the 2011 TCSS was exclusive and non-participatory (Akol, 2011). This has created a shaky constitutional foundation for the new state of South Sudan with an autocratic unitary system with President of the Republic granted excessive and absolute powers that undermine checks and balances and core principles of good governance (Kuol, 2021).

Besides undermining the federal system as the popular demand of the people of South Sudan (Johnson, 2019), the exclusive process adopted by the post-independence ruling elites for drafting the new constitution for the new state missed the opportunity of forging a new social contract and federal system of government that would have put the new state on the path of peace, trust, unity, and social cohesion (Kuol, 2011). This marked a bad start for the new state of South Sudan, as it was founded on a fragile constitution that lacked legitimacy and buy-in from the people of South Sudan. The process of constitution-making and refusal of federalism during the transition to statehood marked the beginning of the failure of the post-independence ruling elites of South Sudan to manage diversity. This transitional process created a widespread sense of exclusion that is reminiscent of the feeling of exclusion that made the people of South Sudan secede from Sudan (Jok, 2011). Apparently, the post-independence ruling elites of South Sudan followed the footpaths of the post-independence northern Sudanese ruling elites by rejecting the federal system and establishing exclusive patronage-based institutions that resulted in the secession of South Sudan (Kuol, 2019).

This transitional process made the new nation of South Sudan susceptible to ethnic-related conflict, which ultimately erupted in 2013. This violent conflict has caused massive forced displacement of almost 4.5 million people including 2.2 million in neighboring countries making it one of the largest refugee crises in Africa and

the world (UNHCR, 2023) and with 47 percent of the population (6.3 million) estimated to face acute food insecurity in 2024 (IPC, 2024). It is estimated that about 400,000 have died as a result of the civil war with half of the dead killed in fighting and the other half from disease, hunger, and other causes exacerbated by violent conflict (Checchi, Testa, Warsame, Quach, & Burns, 2018). Also about 41 percent of people surveyed in South Sudan showed symptoms of post-trauma disorder that are comparable to levels of countries that experienced genocide such as Cambodia and Rwanda (UNDP, 2015). The economic cost of this first civil war to South Sudan was estimated to be as high as US \$158 billion (Breckenridge, 2015).

It is a paradox that the people of Southern Sudan, who were the first to demand for the adoption of federal system in 1954 in Sudan and who overwhelmingly voted in favor of federalism in their first pan-Southern Conference in Juba 1954 (Johnson, 2019), are unable to adopt and implement a “true federalism” after they gained the much-awaited independence in July 2011. But the post-independence ruling elites adopted instead an autocratic unitary system reminiscent to the system of government adopted by the post-independence northern Sudanese ruling elites that contributes to persistent violence, erosion of social cohesion, mistrust between state and citizens and between and among the communities of South Sudan.

Conclusion

While type of government is usually used to assess the quality of governance that largely explains the prevalence of conflict, this article shifts the debate to the nexus between system of government, diversity, and conflict. Although the literature is not conclusive about the choice between unitary and federal system in managing diversity and conflict, there is a strong argument in favor of federal system. There is also growing evidence that suggests decentralization is more effective than either federal or unitary system in managing diversity and conflict.

The account of the evolution of systems of government in South Sudan clearly shows the strong link between centralized and unitary system of government and violent conflict. During the pre-colonial period, the people of South Sudan enjoyed relative peace through their decentralized traditional system of government. With their first contact with various colonial regimes, particularly Turkiyya military with its centralized unitary system and the Mahdiyya’s assimilationist Islamic unitary system, the people of South Sudan experienced considerable violence that caused enormous human suffering. During the period of the Anglo-Egyptian rule, there was relative peace as the new regime recognized the decentralized native system of government as effective way of administering on the cheap Southern Sudan region.

During the post-independence Sudan period, the people of South Sudan experienced recurrent civil wars that were related to either military unitary system or Islamic assimilationist unitary system. The people of South Sudan enjoyed the relative peace when a decentralized unitary regional self-rule system was adopted in the post-1973 Addis Ababa Peace Agreement that was abrogated and resulted in the eruption of the second civil war in Sudan in 1983. The relative peace enjoyed by the people of South Sudan during the decentralized system of government in the post-CPA period did not take long as war erupted in 2013 and in less than three years after the independence of South Sudan in 2011. Although there were many factors that contributed to the causation of the recurrent civil wars, the autocratic centralized unitary system adopted by the ruling elites in the post-independence South Sudan might have contributed as well. With this account of evolution of various systems of government experienced by the people of South Sudan, one may conclude that system of government does matter in managing diversity and conflict. Indeed, South Sudan may be more peaceful and united if, among other policy options, the decentralized federal system is adopted.

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